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DAMAGES.

I. *IN MATTERS OF GENERAL JURISDICTION.*

1. CIVIL Courts are to take cognizance of claims to damages for injuries. *Beng.* 1793 *R.* 3. § 8. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 5.

2. The plaint for damages is to state, according to the nearest estimate, the exact amount in which the plaintiff is endamaged. *Beng.* 1793 *R.* 4. § 3. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 3.

3. If the sentence of a Court of Circuit award damages to the party injured, the Civil Court shall recover them by the process for executing decrees. *Beng.* 1793 *R.* [illegible] § 22. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1.

4. Native Commissioners are to decree suitable damages against plaintiffs, whose suits appear litigious and vexatious. *Beng* 1793 *R.* 40. § 9. *C.* 12. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 12.

5. Pleaders of Civil Courts may be sued by their clients, for any breach of the Regulations, or fraudulent acts respecting the suit. *Beng.* 1793 *R.* 7. § 31. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 29.

6. Courts are to award equitable damages, with restitution of the land or crops, or value of damaged crops, to persons forcibly dispossessed. *Beng.* 1793 *R.* 49. § 3. ext. *Ben.* 1795 *R.* 14 § 2. *Ced. Prov.* 1803 *R.* 32. § 3.

7. Proprietors and farmers of land, their dependent Talookdars, under farmers, officers, agents, servants, dependants and Rayats, are liable to such damages, as the Court may award to the party injured, for interfering in any judicial matters. *Beng.* 1793 *R.* 8. § 66.

8. Judges of Civil Courts, acquitted on a charge of corruption, may sue the complainant for damages. *Beng.* 1793 *R.* 6. § 8. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 8.

9. Also ministerial officers of the Courts. *Beng.* 1793 *R.* 13. § 9. *C.* 12. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 12.

10. And law officers. *Beng.* 1793 *R.* 12. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 1.

A. D. 1793 11. Police Daroghas of Zillas may be sued for damages, if guilty of corrupt extortion, oppression, or of any act repugnant to the Regulations. *Beng.* 1793 *R.* 22. § 22. *Ben.* 1795 *R.* 17. § 20. *Ced. Prov.* 1803 *R.* 35. § 21.

12. Also Kotwals, and Daroghas of city wards. *Beng.* 1793 *R.* 22. § 38. *Ben.* 1795 *R.* 17. § 35.

13. Courts may award discretionary damages against native officers of a public Treasury convicted of refusing to receive legal gold money. *Beng.* 1793 *R.* 35. § 3.

14. Or legal silver money. *Beng.* 1793 *R.* 35. § 22. *Ced. Prov.* 1803 *R.* 45. § 27.

15. Native Commissioners of lawsuits shall be adjudged to pay to the prosecutor three times the amount of any thing corruptly received by them, and equitable damages for any oppressive and unwarranted act of authority: but are not liable to damages for want of form or error in judgment; and, before process issue in such a suit, the Judge shall satisfy himself by evidence, that the charge is well founded. *Beng.* 1793 *R.* 40. § 8. ext. *Ben.* 1795 *R.* 31 § 2. *Ced. Prov.* 1803 *R.* 16. § 6.

16. And shall be adjudged to pay, to the party, a sum equal to twice the amount of the decree, with costs, if they issue any process for enforcing their own decisions. *Beng.* 1793 *R.* 40. § 14. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 12.

17. Cazees of Zillas and cities may be sued for damages, by undue practices in the discharge of their duties. *Beng.* 1793 *R.* 39. § 11. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 11.

A. D. 1795 18. Tehsildars are responsible in the first instance, and landholders and farmers to the Tehsildars, for robberies or thefts in their respective limits: but not for a night robbery in open roads or woods, unless proved to have had such knowledge, as might have enabled them to prevent it; nor for theft or robbery in inhabited places, unless committed with their connivance, or ascribable to their want of vigilance. *Ben.* 1795 *R.* 17. § 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 1.

19. They may be fined by the Governor General in Council, in his discretion, for false returns of persons apprehended; and such fines, when recovered, and paid to the Magistrate by the Collector, shall be paid over by the former to the party aggrieved. *Ben.* 1795 *R.* 17. § 19 *Ced. Prov.* 1803 *R.* 35. § 20

20. Europeans, settled in Benares, shall be liable for the indemnification or damages, which may be awarded to any person aggrieved by their servants or dependants on their behalf. *Ben.* 1795 *R.* 33. § 4. *C.* 6.

21 And shall be themselves responsible for the act, if done with their connivance or knowledge. *Ben.* 1795 *R.* 33. § 4. *C.* 10.

22. The Nizamut Adaulut may grant relief to prisoners confined till payment of damages, under sentence of the Naib Nazim, of the Benares native Courts, or of the Courts of Circuit: persons, having claims on such prisoners, shall prefer them to the Magistrates, who shall report their opinion to the Nizamut Adaulut; and the Court shall state their sentiments on each case, to the Governor General in Council. *Beng. Ben.* 1797 *R.* 14. § 2.

23. No pecuniary compensation, nor damages, shall be adjudged to, or be recoverable by, individuals in any criminal prosecution. *Beng. Ben.* 1797 *R.* 14. § 3. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 1.

24. Section 12, Regulation 9 of 1793, for enforcing pecuniary sentences of Circuit Courts, is rescinded. *Beng. Ben.* 1797 *R.* 14. § 6.

25. Magistrates may award damages to a landholder or farmer in Benares &c. on a charge of neglect of Police duties, if the complaint appear to be groundless and litigious. *Ben.* 1797 *R.* 2. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 4.

26. Police Daroghas and informers, in Silhet, may be sued for damages, if seizures made by them in the frontier trade should not be declared by the Magistrate liable to confiscation. *Beng.* 1799 *R.* 1. § 5.

27. A purchaser of land, at a public sale made by Government, shall recover, from the former proprietor, damages equal to the loss arising from any part of the purchase being decreed to a third person. *Beng.* 1799 *R.* 7. § 29. *C.* 5. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 26. § 11.

28. Commissioners are prohibited hearing any suit for damages on account of alleged personal injury of whatever nature, unless referred to them by the Court, under penalty of dismission from office, and fine to Government, at the discretion of the Sudder Dewannee Adaulut. *Beng. Ben.* 1803 *R.* 49. § 14. *C.* 7. *Ced. Prov.* 1803 *R.* 16 § 29. *C.* 7. A. D. 1803

29. Persons, convicted of refusing to receive the fractional part of a Rupee in the copper coin established in the provinces ceded by the Nuwab Vizeer to the Company, shall be liable to pay to the complainant damages in the discretion of the Court. *Ced. Prov.* 1803 *R.* 45 § 49.

30. A head native Commissioner shall be cast in damages, under Section 8, Regulation 40 of 1793, for corruption and oppressive or unwarranted acts of authority. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 4. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 4.

31. And Munsifs. *Beng. Ben.* 1803 *R.* 49. § 14. *C.* 3. *Ced. Prov.* 1803 *R.* 16. § 29. *C.* 3.

A. D. 1803 32. Pleaders, in suits before native Commissioners, may be sued by their clients for breach of trust, fraud, &c. in the management of the suit: *Beng. Ben.* 1803 *R.* 49. § 16. *C.* 3. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 5.

A. D. 1805 33. No suits for penal damages allowed to individuals for any act or omission, except suits for the recovery of property or its value, or for compensation on account of damage to property or loss of it, shall be heard, if preferred after one year from the cause of action, except on good grounds shown for the delay. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 7.

34. Zemindars in charge of Police in the Jungul Mehals are responsible for theft and robbery within their estates, except on proof that it occurred from no want of care and vigilance on their part. *Beng.* 1805 *R.* 18. § 7. *C.* 18.

A. D. 1806 35. Persons, cutting a watercourse through any public embankment, may be sued for damages by any persons who shall sustain injury thereby. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 12. *C.* 7.

36. Or through any private embankment. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 13.

37. Any European officer, amenable to the Civil Courts, may, when acquitted on a charge of corruption, sue the accuser for damages. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 18.

II. *IN MATTERS OF PUBLIC REVENUE.*

A. D. 1793 1. Persons, aggrieved by a native officer under a Collector, may sue him for the injury, notwithstanding his punishment by Government or the Board of Revenue or Collector. *Beng.* 1793 *R.* 2. § 9. *Ben.* 1795 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 25. § 8.

2. Or persons aggrieved by an officer under the Board of Revenue. *Beng.* 1793 *R.* 2. § 31. *C.* 4. ext. *Ben.* 1795 *R.* 5. § 27.

3. Damages, in a suit defended by order of the Governor General in Council or the Board of Revenue, are to be defrayed from the public treasury. *Beng.* 1793 *R.* 3. § 11. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 15.

4. And specifically a suit against a Collector for acts done pursuant to an order of the Governor General in Council or the Board of Revenue. *Beng.* 1793 *R.* 14. § 46. *Ben.* 1795 *R.* 6. § 51. *Ced. Prov.* 1803 *R.* 27. § 48.

5. The manager for a disqualified landholder, if convicted of embezzlement, to the satisfaction of the Court of Wards, shall forfeit treble the amount to the benefit of the estate under his charge. *Beng.* 1793 *R.* 10. § 10. *Ced. Prov.* 1803 *R.* 52. § 14.

6. Also the officers under a manager. *Beng.* 1793 *R.* 10. § 11. *Ced. Prov.* 1803 *R.* 52. § 15.

7. And the guardian. *Beng.* 1793 *R.* 10. § 24. *Ced. Prov.* 1803 *R.* 52. § 28. A. D. 1793

8. And the officers under a guardian. *Beng.* 1793 *R.* 10 § 25. *Ced. Prov.* 1803 *R.* 52. § 29.

9. Collectors are liable to pay such damages, as the Court may award, on a suit for false imprisonment, if they arrest a landholder or farmer, without serving the prescribed notice and before the time limited for payment. *Beng.* 1793 *R.* 14. § 4.

10. Or if no part of the arrear claimed should be found to be due. *Beng.* 1793 *R.* 14. § 12.

11. Or if they refuse security tendered for bringing a suit to dispute the demand. *Beng.* 1793 *R.* 14. § 11. Rescinded 1794 R. 3 § 11.

12. Collectors are not liable to damages for confining a party on process renewed upon his failing to bring such suit, though no arrear should be ultimately found due. *Beng.* 1793 *R.* 14 § 12.

13. Security is not to be demanded from Collectors for damages, in suits ordered to be carried on by the Vakeel of Government. But the usual security may be required from them in suits in which they are responsible: and the damages, if not paid, shall be levied from the surety; and, if not recovered from him, shall be reported by the Judge to the Governor General in Council, who will order the amount to be paid from the Treasury, and stopped from the Collector's salary. *Beng.* 1793 *R.* 14. § 36. *Ben.* 1795 *R.* 6. § 42. *Ced. Prov.* 1803 *R.* 27. § 39.

14. Collectors are to credit in their treasury accounts all damages awarded to them, and debit all damages awarded against them, in such mannner as the Board of Revenue may direct: previously obtaining the sanction of the Board to the charge. *Beng.* 1793 *R.* 14. § 34. *Ben.* 1795 *R.* 6. § 40. *Ced. Prov.* 1803 *R.* 27. § 37.

15. And the Board will instruct Collectors how to charge such damages in their accounts. *Beng.* 1793 *R.* 14. § 37. *Ben.* 1795 *R.* 6. § 43. *Ced. Prov.* 1803 *R.* 27 § 40.

16. In cases where the Board of Revenue authorize the Collector to prefer an appeal, he is to be indemnified by Government for damages; and, in cases where he appeals without the Board's sanction at his own risk, he must pay the damages adjudged against him. *Beng.* 1793 *R.* 14. § 30. *Ben.* 1795 *R.* 6. § 36. *Ced. Prov.* 1803 *R.* 27. § 33.

17. The Board, in special cases, may recommend to the Governor General in Council, that Collectors should be exonerated from damages. *Beng.* 1793 *R.* 14. § 35. *Ben.* 1795 *R.* 6. § 41. *Ced. Prov.* 1803 *R.* 27. § 38.

18. Courts are to award equitable damages against officers of Government suing on insufficient or vexatious grounds for the resumption of rent-free lands; and against individuals

A. D. 1793 viduals suing on insufficient grounds to hold land exempt from rent. *Beng.* 1793 *R.* 15 § 16. *R.* 37. § 11. *Ben.* 1795 *R.* 41. § 16. *R.* 42. § 11. *Ced. Prov.* 1803 *R.* 31 § 11. *R.* 36. § 11.

Rescinded 1797 R. 6. § 2 C. 1

19. Collectors of the Police tax, convicted of exactions, shall refund double the amount to the party; and, if guilty of any act incurring forfeiture of the arrear they shall make good to Government the amount forfeited, and pay to the party the damages awarded. *Beng.* 1793 *R.* 23. § 24.

20. Persons, convicted of exacting any abolished Sayer duties, are liable to heavy damages. *Beng.* 1793 *R.* 27. § 2. *C.* 12.

21 To damages equal to double the amount exacted, which, with the costs, shall be made good in the first instance. *Beng.* 1793 *R.* 27. § 11. *Ced. Prov.* 1804 *R.* 11. § 53. 1805 *R.* 6. § 36.

22. Collectors, Mint and Assay Masters, and their respective officers, may be sued for damages, for any breach of the Regulations respecting the coin. *Beng.* 1793 *R.* 35. § 28. *Ced. Prov.* 1803 *R.* 45. § 52.

A. D. 1794

23. Informers against venders of liquors and drugs, if the information be deemed groundless, shall be cast in damages together with the charges incurred. *Beng.* 1794 *R.* 1. § 3. ext. *Ben.* 1795 *R.* 47 § 9. *Ced. Prov.* 1803 *R.* 40. § 50.

24. Collectors shall not be liable to damages, for arresting a native officer, in charge of public money or accounts, who refuses to attend on requisition, although it should be found, on a trial, that no money or accounts were in his hands. *Beng.* 1794 *R.* 3. § 18. ext. *Ben.* 1800 *R.* 5 § 27. *Ced. Prov.* 1803 *R.* 33. § 5.

25. Section 11, Regulation 14 of 1793, is rescinded. *Beng.* 1794 *R.* 3. § 11.

A. D. 1795

26. When Courts in Benares decree the restoration of a Zemindar whose lands are in farm, the Court shall award to the farmer any loss which he may prove that he has sustained. *Ben.* 1795 *R.* 1. § 3. *C.* 6.

27. A Pottahdar in Benares shall be amerced, to the party complaining, double the amount of a payment of revenue by a Rayat, for which he shall not have given a receipt. 1795 *R.* 2. § 14. *C.* 5.

28. And three times the amount of any unauthorized Sayer collected. *Ben.* 1795 *R.* 2. § 14. *C.* 7.

29. And shall make good the value of all property robbed or stolen within his limits. *Ben.* 1795 *R.* 2 § 14. *C.* 8.

30. Amils in Benares are liable to the same penalties. *Ben.* 1795 *R.* 2. § 15. *C.* 1.

31.

31. Landholders and farmers, in Benares, collecting any Rahdarree duties shall be made to pay a penalty of three times the amount. *Ben.* 1795 *R.* 4. § 6. A. D. 17[illegible]

32 Also Amils. *Ben.* 1795 *R.* 4. § 7.

33. Or any other person. *Ben.* 1795 *R.* 4. § 4.

34. All such penalties shall be paid to the party, from whom the exaction was made, on his proving it by a suit in Court. *Ben.* 1795 *R.* 4. § 8.

35. But restitution only shall be made to the party, on such penalties being recovered at the suit of the Collector. *Ben.* 1795 *R.* 4. § 10.

36. Regulation 23 of 1793 for the collection of the Police tax, is rescinded. *Beng.* 1797 *R.* 6. § 2. *C.* 1.

37. Collectors may be sued for damages for any infringement of the rules for summoning persons to their Cucheries. *Beng. Ben.* 1801 *R.* 1. § 10. *Ced. Prov.* 1803 *R.* 27. § 51. A. D. 1801

38. Revenue officers, acquitted on a charge of corruption, may sue the accuser for damages. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 18. A. D. 1806

III. *IN MATTERS OF PRIVATE RENTS.*

1. A landholder, exacting from a dependent Talookdar, more than he has a right to, shall be adjudged to pay a penalty of double the exaction, with all costs, to the party injured. *Beng.* 1793 *R.* 8. § 51. *C.* 2. *Ced. Prov.* 1803 *R.* 47. § 6. *C.* 2. A. D. 1793

2. Receiving more from the under-farmers, than what is specified in their engagements, shall repay it with a penalty of double the amount. *Beng.* 1793 *R.* 8. § 52. *Ced. Prov.* 1803 *R.* 30. § 2.

3. Imposing any new Abwabs, shall pay a penalty of three times the amount imposed. *Beng.* 1793 *R.* 8. § 55. *Ced. Prov.* 1803 *R.* 30. § 5.

4. Refusing to give a receipt for a payment of rent, shall pay to the party damages equal to double the amount received. *Beng.* 1793 *R.* 8. § 63. *C.* 1. *Ben.* 1795 *R.* 2. § 14. *C.* 5.

5. Not adjusting the instalments according to the times of reaping and selling the produce, may be sued for damages. *Beng* 1793 *R* 8. § 64.

6. Refusing to give Pottahs to the tenant, shall pay a fine equal to the tenant's expense and trouble. *Beng.* 1793 *R.* 8. § 59. *Ced. Prov.* 1803 *R.* 30. § 11.

7. Ameens or Tehsildars, in charge of lands of proprietors and farmers attached for arrears, may be sued by the tenants for infraction of their engagements; and by the proprietor or farmer for embezzlement and injury done to the estate. *Beng.* 1793 *R.* *R.* 14. § 6.

A. D. 1793 8. And in charge of lands of sureties. *Beng.* 1793 *R.* 14. § 24. ext. *Ben.* 1795 *R.* 6. § 30. *Ced. Prov.* 1803 *R.* 27. § 30. *C.* 2.

9. And of lands attached for sale, for the recovery of arrears. *Beng.* 1793 *R.* 14. § 25.

10. Also Ameens in charge of lands attached for sale in execution of decrees. *Beng.* 1793 *R.* 45. § 7. *Ben.* 1795 *R.* 20. § 7. *Ced. Prov.* 1803 *R.* 26. § 21.

11. And Tehsildars. *Beng.* 1793 *R.* 45. § 8. *Ben.* 1795 *R.* 20. § 8. *Ced. Prov.* 1803 *R.* 26. § 22.

12. Distrainers shall be cast in damages equal to the value of property not forthcoming, and adequate to the case, if they distrain any real property, the looms and unwrought materials of a manufacturer, or the Company's goods or advances in his hands, or the tools of tradesmen. *Beng.* 1793 *R.* 17. § 3. *Ben.* 1795 *R.* 45. § 3. *Ced. Prov.* 1803 *R.* 28. § 3.

13. Or any property where no arrear is due. *Beng.* 1793 *R.* 17. § 6. *Ben.* 1795 *R.* 45. § 6. *Ced. Prov.* 1803 *R.* 28. § 6.

Modified 1799 R. 7 § 10

14. For opening the outer door of a dwelling or entering female apartments. *Beng.* 1793 *R.* 17. § 21. *Ben.* 1795 *R.* 45. § 19. *Ced. Prov.* 1803 *R.* 28. § 19.

15. They shall be cast in damages adequate to the case, if they distrain the plough, seed grain, and plough cattle, where there is other distrainable property. *Beng.* 1793 *R.* 17. § 4. *Ben.* 1795 *R.* 45. § 4. *Ced. Prov.* 1803 *R.* 28. § 4.

16. Or property disproportioned to the arrear. *Beng.* 1793 *R.* 17. § 16. *Ben.* 1795 *R.* 45. § 14. *Ced. Prov.* 1803 *R.* 28. § 14.

17. Also for any injury to distrained property from neglect in its preservation. *Beng.* 1793 *R.* 17. § 15. *Ben.* 1795 *R* 45. § 13. *Ced. Prov.* 1803 *R.* 28. § 13.

18. For not releasing the distress on tender of the arrear and charges. *Beng.* 1793 *R.* 17. § 11. *Ben.* 1795 *R.* 45 § 9. *Ced. Prov.* 1803 *R.* 28 § 9.

19. For entering a building not in the occupation of, and not containing property of, the defaulter. *Beng.* 1793 *R.* 17. § 21. *Ben.* 1795 *R.* 45. § 19. *Ced. Prov.* 1803 *R.* 28. § 19. *C.* 1.

20. For confining or ill treating the tenants to enforce payment of the rents. *Beng.* 1793 *R.* 17. § 28. *Ben.* 1795 *R.* 28. § 26. *Ced. Prov.* 1803 *R.* 28. § 26.

21. They shall be cast in damages equal to the value of property not forthcoming, for distraining without the required notice, and not furnishing the Agent with the prescribed authority. *Beng.* 1793 *R.* 17. § 8. *Ben.* 1795 *R.* 45. § 8. *Ced. Prov.* 1803 *R.* 28. § 8.

22. Or the property of a surety. *Beng.* 1793 *R.* 17. § 10. A. D. 1793 Modified 1795 R. 35 § 6

23 Or after sun-set and before sun-rise. *Beng.* 1793 *R.* 17. § 17. *Ben.* 1795 *R.* 45. § 15. *Ced. Prov* 1803 *R.* 28. § 15.

24. For selling property otherwise than in the prescribed mode. *Beng.* 1793 *R.* 17. § 22. *Ben.* 1795 *R.* 45. § 20. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 1. Re-enacted 1795 R. 35 § 8

25. Distrainers, Cazees and appraisers, shall be cast in damages equal to the value of property not forthcoming, and forfeit to the tenant the amount of the purchase money, for purchasing any of the distrained property. *Beng.* 1793 *R.* 17. § 24. *Ben.* 1795 *R.* 45. § 22. *Ced. Prov.* 1803 *R.* 28. § 22.

26. Cazees, guilty of unfair practices in the appraisement and sale of distrained property, shall be cast in damages equal to the injury sustained. *Beng.* 1793 *R.* 17. § 23 *Ben.* 1795 *R.* 45. § 21. *Ced. Prov.* 1803 *R.* 28. § 21.

27. Persons, taking a fraudulent transfer of distrained property, in damages equal to half the value of the property. *Beng.* 1793 *R.* 17. § 18. *Ben.* 1795 *R.* 45. § 16. *Ced. Prov* 1803 *R* 28. § 16.

28. And in damages equal to the value of the property, for removing any of it. *Beng.* 1793 *R.* 17 § 20. *Ben.* 1795 *R.* 45. § 18. *Ced. Prov.* 1803 *R.* 28. § 18.

29. Principals are liable to damages for the acts of their Agents, whether by their orders, and with their knowledge, or not. *Beng.* 1793 *R.* 17. § 32. *Ben.* 1795 *R.* 45. § 29. *Ced. Prov.* 1803 *R.* 28. § 29. Modified 1799 R. 7 § 2

30 Landholders resuming, without previously obtaining a judicial decree, rent-free lands, unless held on a grant made subsequent to 1 December 1790, may be sued for damages by the party injured. *Beng.* 1793 *R.* 19. § 11. *Ben.* (with limitation to the year 1196) 1795 *R.* 41. § 11.

31. Courts are to award equitable damages against landholders suing, on insufficient or vexatious grounds, for the resumption of rent-free lands, and against individuals suing on insufficient grounds to hold land exempt from rent. *Beng.* 1793 *R.* 19. § 16. *R.* 37. § 11. *Ben.* 1795 *R.* 41. § 16. *R.* 42. § 11. *Ced. Prov.* 1803 *R.* 31. § 11. *R.* 36. § 11.

32. If, on a summary suit for rent, it shall appear, that no arrear, or an arrear not exceeding 500 Rupees, is due, the Court shall award to the defendant a sum adequate to his trouble or loss, with all costs and charges incurred by the suit. *Beng.* 1795 *R.* 35. § 16. A. D. 1795 Re-enacted 1799 R. 7 § 15 C. 5.

33. If a tenant, confined under a decree on such a summary suit, should prove in a regular suit, that the amount was not due from him, the Court shall award to him heavy damages and costs. *Beng.* 1795 *R.* 35. § 18. Re-enacted 1799 R. 7 § 16

A. D. 1795 Re-enacted 1799 R. 7 § 16

34. Or if he pay the amount decreed on a summary suit, to avoid confinement. *Beng.* 1795 *R.* 35. § 19.

35. Distrainers are liable to damages equal to the value of the property, if they sell distrained property in any except the authorized mode. *Beng.* 1795 *R.* 35. § 5. *Ben.* 1795 *R.* 45. § 20. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 1.

A. D. 1799

36. Landholders, exacting from opium tenants more than the established rates of rent, shall be liable to a suit for the exaction. *Beng. Ben.* 1799 *R.* 6. § 12.

37. All public officers, entrusted with the sale of distrained property, are liable to full damages and other penalties to the party injured, for any collusion or misconduct. *Beng.* 1799 *R.* 7. § 5. *Ben.* 1800 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 2.

38. Under tenants, resisting the attachment or removing the attached property, are liable to damages equal to twice the value of the property rescued or removed. *Beng.* 1799 *R.* 7. § 9. *Ben.* 1800 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 28. § 17. *C.* 2.

39. Or wantonly summoning the Zemindaree officers on criminal charges or in civil suits, shall be liable to pay to the Zemindar any loss or damage proved to have been sustained thereby. *Beng.* 1799 *R.* 7. § 12. *Ben.* 1800 *R.* 5. § 12 *Ced. Prov.* 1803 *R.* 28. § 38.

40. Distrainers, attaching the property of a person not responsible for the defaulter, shall restore the full value of the property, with costs and equitable damages. *Beng.* 1799 *R.* 7. § 9. *Ben.* 1800 *R.* 5. § 9 *Ced. Prov.* 1803 *R.* 28. § 17. *C.* 2.

41. And wilfully deviating from the rules relative to entering female apartments in the presence of a Police officer, shall be liable to heavy damages. *Beng.* 1799 *R.* 7. § 10. *Ben.* 1800 *R.* 5. § 10. *Ced. Prov.* 1803 *R.* 28 § 19. *C.* 2.

42. Any person, opposing a landholder in the just exercise of his rights and powers, and a landholder guilty of any abuse or unjust exercise of his powers, are liable to full damages and costs. *Beng.* 1799 *R.* 7. § 15. *C.* 8. *Ben.* 1800 *R.* 5. § 14. *C.* 8. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 8.

43. Native Commissioners may be sued for damages, if they detain an arrested tenant on a claim of rent, more than twenty-four hours, without sending him to the Judge; unless he shall request it in writing and the plaintiff shall assent to it for a specified time. *Beng.* 1799 *R.* 7. § 15. *C.* 2. *Ben.* 1800 *R.* 5. § 14. *C.* 2. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 2.

44. If, on a summary suit for rent, it shall appear, that no arrear, or an inconsiderable one, is due, the Court shall award to the defendant full costs and damages. *Beng.* 1799 *R.* 7. § 15 *C.* 5. *Ben.* 1800 *R.* 5. § 14. *C.* 5. *Ced. Prov.* 1803 *R.* 28. §

45. But, if the plaintiff on a regular suit should prove that the arrear was due, he shall receive back the costs and damages. *Beng.* 1799 *R.* 7. § 17. *Ben.* 1800 *R.* 5. § 16. *Ced. Prov.* 1803 *R.* 28. § 34. A. D. 1799

46. And if a defendant, confined on a decree in such a suit, should prove in a regular suit, that the amount decreed against him was not due, he shall be entitled to full costs and damages. *Beng.* 1799 *R.* 7. § 16. *Ben.* 1800 *R.* 5. § 15. *Ced. Prov.* 1803 *R.* 28. § 33.

47. In matters of distraint, where no wilful deviation nor gross neglect appears, satisfaction for the actual damages sustained by the party aggrieved shall alone be adjudged; nor shall any damages be awarded if it appear that sufficient amends were tendered and refused. *Beng.* 1799 *R.* 7. § 2. *Ben.* 1800 *R.* 5. § 2. *Ced. Prov.* 1803 *R.* 28. § 2. *C.* 2.

IV. *IN MATTERS OF COMMERCE AND CUSTOMS.*

1. Damages, in a suit defended by order of the Governor General in Council or Board of Trade, are to be defrayed from the public treasury. *Beng.* 1793 *R.* 3. § 11. ext *Ben.* 1795 *R.* 7. § 7. *Ced. Prov* 1803 *R.* 2. § 15. A. D. 1793

2 Security is not to be demanded from a Salt Agent, Assistant, and head officer of an Arung, for the payment of damages. *Beng.* 1793 *R.* 29. § 28.

3. Nor from a Commercial Resident and head officer of a Kotee. *Beng.* 1793 *R.* 31. § 22. *Ced. Prov.* 1803 *R.* 37. § 22. ext. *Ben.* 1805 *R.* 4. § 2.

4. Salt Agents are to credit in their treasury accounts all sums awarded to them, and debit all sums awarded against them, in such manner as the Board of Trade may direct: previously obtaining the sanction of the Board to the charge. *Beng.* 1793 *R.* 29. § 32.

5. Also Commercial Residents. *Beng.* 1793 *R.* 31. § 26. *Ced. Prov.* 1803 *R.* 37. § 26. ext. *Ben.* 1805 *R.* 4. § 2.

6. The Board of Trade may make a Salt Agent, his Assistant, or head officer, responsible for the damages in any suit not defended by order of the Board or of Government. *Beng.* 1793 *R.* 29. § 25.

7. The same in the case of a Commercial Resident and his officers. *Beng.* 1793 *R.* 31. § 20. *Ced. Prov.* 1803 *R.* 37. § 20. ext. *Ben.* 1805 *R.* 4. § 2.

8. Equitable damages shall be awarded against Salt Agents, for compulsion on Molungees &c. to engage in the salt manufacture. *Beng.* 1793 *R.* 29. § 4.

9. And against Assistants and head native officers of Arungs. *Beng.* 1793 *R.* 29. § 5. *C.* 1.

10.

A. D. 1793 10. Against Gomashtas, Peons, and other officers, under an Assistant or head officer; and against an Assistant or head officer, for the compulsion used by the Gomashtas &c. unless without their knowledge. *Beng.* 1793 *R* 29. § 5. *C* 2.

11. Against contractors and Beoparees for compulsion on labourers. *Beng.* 1793 *R.* 29. § 6.

12. And damages equal to four times the amount proved to have been taken as Tulubana, gratuity, perquisite, or allowance, by an officer in the employ of a Salt Agent, from any person employed in the manufacture. *Beng.* 1793 *R.* 29. § 12.

13. Salt Agents may be sued for damages, for giving protection of office to any person not bonâ fide employed in the department. *Beng.* 1793 *R.* 29. § 21. *C.* 10.

14. Officers of Government, landholders, and farmers, and their Rayats, officers, agents and dependents, for hindering the salt manufacture. *Beng.* 1793 *R.* 29. § 16.

Re-enacted 1801 R. 6 § 16 15. Officers under the Board of Trade or Salt Agent, for omission or unnecessary delay in reporting a seizure of salt. *Beng.* 1793 *R.* 30. § 5. *C.* 2.

Re-enacted 1801 R. 6 § 21 16. A Salt Agent and his officers, for making a seizure which the Board of Trade shall determine to be not liable to confiscation: but the Board, on consideration of the case, may indemnify the seizer, or order the suit to be defended on the part of Government, or adjust the matter with the proprietor; reporting to the Governor General in Council. *Beng.* 1793 *R.* 30. § 10.

17. On proof of any persons purchasing the Company's cloth knowing them to be such, the Court shall award equitable damages to the Company in addition to the cloth so obtained. *Beng.* 1793 *R.* 31. § 5. *Ced. Prov.* 1803 *R.* 37. § 5. ext. *Ben.* 1805 *R.* 4. § 2.

18. Commercial Residents may be sued for damages, for giving the protection of office to persons not bonâ fide employed in the investment. *Beng.* 1793 *R.* 31. § 10. *C.* 10. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 10. ext. *Ben.* 1805 *R.* 4 § 2.

19. And officers of Government, landholders &c. for obstructing the investment. *Beng.* 1793 *R.* 31. § 6.

Expired 20. The opium Contractor shall be adjudged by the Court to refund, with a penalty of three times the amount, any cesses levied by him from the opium tenants. *Beng.* 1793 *R.* 32. § 2. *C.* 15.

ditto 21. The opium Contractor and his Agents are to refund three times the amount of any Tulubana &c. exacted from the Rayats, together with damages incurred. *Beng.* 1793 *R.* 32. § 2. *C.* 19. *Ben.* 1795 *R.* 32. § 2. *C.* 22.

22. Commercial and Sait Agents, and their respective officers, may be sued for damages, for any breach of the Regulation respecting the coin. *Beng.* 1793 *R.* 35. § 28. *Ced. Prov.* 1803 *R.* 45. § 52. A. D. 1793

23. Native officers of the Custom-houses in Benares &c. shall be fined by the Collector, in a sum equal to the loss arising to the owners of goods detained longer than one day for examination; or may be cast in equitable damages on a suit in Court: such suit shall be defended by the Collector, but the damages shall be paid by the officer. *Ben.* 1795 *R* 3. § 5. *Ced. Prov.* 1803 *R.* 38. § 8. A. D. 1795

24. In a sum equal to treble the amount of any unauthorized exaction; or may be cast in equitable damages on suit in Court. *Ben.* 1795 *R.* 3. § 12.

25. The Munsif and Tehvildar are to be responsible for their own acts; but the Darogha shall pay the penalty for any exaction by other inferior officers, and may recover from them by suit the amount which he may have been amerced on their account. *Ben.* 1795 *R.* 3. § 14.

26. The opium Contractor in Benares is liable for the penalties incurred by his Agents. *Ben.* 1795 *R.* 32. § 2. *C.* 22. Expired

27. Security is not to be demanded from a Collector of Customs, his Assistants, and head native officers, for damages. *Beng. Ben.* 1795 *R.* 39. § 28. *Ced. Prov.* 1804 *R.* 11. § 47.

28. Collectors of Customs are to credit in their accounts all sums awarded to them, and debit all sums awarded against them, in such manner as the Board of Trade may direct; previously obtaining the sanction of the Board to the charge. *Beng. Ben.* 1795 *R.* 39 § 32. *Ced. Prov.* 1804 *R.* 11. § 51.

29. The Board of Trade may make a Collector of Customs responsible for the damages in a suit not defended by order of Government or of the Board. *Beng. Ben.* 1795 *R.* 39. § 26. *Ced. Prov.* 1804 *R.* 11. § 45.

30. Officers, under an opium Agent, convicted of receiving any unauthorized perquisites, shall be made to pay to the party four times the amount proved. *Beng. Ben.* 1799 *R.* 6. § 7. A. D. 1799

31. Security is not to be demanded from an opium Agent, Assistant, or head officer of a Kotee, for damages. *Beng. Ben.* 1799 *R.* 6. § 33.

32. Opium Agents are to credit in their Treasury accounts all sums awarded to them, and debit all sums awarded against them, in such manner as the Board of Trade may direct; previously obtaining the sanction of the Board to the charge. *Beng. Ben.* 1799 *R.* 6. § 37.

A. D. 1799 33. The Board of Trade may make an opium Agent responsible for the damages in any suit not defended by the orders of Government or of the Board. *Beng. Ben* 1799 *R* 6. § 31.

A. D. 1800 34. If a seizure of salt as adulterated shall be deemed unduly made, the person who made it shall be liable to full damages for all loss and expense to the party. *Beng. Ben.* 1800 *R.* 4. § 5.

A. D. 1801 35. A Magistrate is not liable to be sued for damages by the owner of salt seized by them as contraband, though the Board of Trade should release the salt. *Beng. Ben.* 1801 *R.* 6. § 21.

36. Police officers, seizing or detaining salt of their own authority, except when unaccompanied by a Ruwana, shall be liable to be sued for damages by the owner of the salt. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 3.

37. And officers under Collectors of Revenue and Customs, and under Commercial Agents, for seizing or detaining any salt without the special authority of their principal. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 7.

38. And officers under the salt Agents and the Board of Trade, and officers of salt Chokees, for omission or unnecessary delay in reporting a seizure of salt. *Beng. Ben.* 1801 *R.* 6. § 16.

39. Also for seizing salt, which the Board of Trade shall deem not liable to confiscation, but the Board may grant compensation to the owner, or may indemnify the officer, or order the suit to be defended on the part of Government. *Beng. Ben.* 1801 *R.* 6. § 21.

A. D. 1803 40. Informers against persons for illicit cultivation of the poppy, or for dealings in contraband opium, if the information be deemed groundless or false, shall be cast in damages together with the charges incurred. *Ced. Prov.* 1803 *R.* 41. § 20.

A. D. 1806 41. The informer may be cast in discretionary damages for a false and groundless charge of corruption &c. against any Commercial officer. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 18.

DEATH BY SENTENCE OF COURT.

A. D. 1793 1. When a prisoner is sentenced by the Futwa to suffer death, the Court of Circuit shall pass sentence accordingly; and shall transmit the record of the trial to the Nizamut Adaulut: but shall not execute such sentence until the receipt of the final sentence of that Court. *Beng.* 1793 *R.* 9. § 47. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 1.

2. On a conviction for murder, if the heir of the deceased require Kisas, the Court of Circuit shall pass sentence of death; and refer the trial as above to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 52. ext. *Ben.* 1795 *R.* 16. § 22. A. D. 1793 Re-enacted 1797 R. 4 § 3

3. Trials of prisoners sentenced to death, or deemed by the Court of Circuit deserving of capital punishment, shall be transmitted to the Nizamut Adaulut, within ten days; or as much earlier as practicable. *Beng.* 1793 *R.* 9. § 58. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 27. Modified 1796 R. 6 § 13

4. The Nizamut Adaulut shall sentence murderers to death, if declared liable to suffer it, and if the Court approve of the proceedings, notwithstanding the heir of the deceased should pardon the murderer or require Deyut. *Beng.* 1793 *R.* 9 § 76. ext. *Ben.* 1795 *R.* 16. § 22. Re-enacted 1797 R. 4 § 4

5. The Nizamut Adaulut may recommend to the Governor General in Council pardon, or commutation of punishment, when a criminal, sentenced to suffer death, shall appear a proper object for mercy. *Beng.* 1793 *R.* 9. § 79. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 14.

6. Warrants of the Courts of Circuit for the infliction of capital punishment, when returned by the Magistrates with an indorsed certificate of execution, are to be forwarded by the Circuit Courts to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 78. ext. *Ben.* 1795 *R* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 13.

7. No Brahmen in Benares shall be punished with death: Brahmens, declared liable to suffer death, shall be sentenced to transportation for life by the Nizamut Adaulut, to whom the trial is to be referred. *Ben.* 1795 *R.* 16. § 23. A. D. 1795

8. If a Brahmen in Benares be convicted of setting fire to a Koorh, in which any person shall have been burnt to death, the Court of Circuit shall formally pass sentence of death on him and on the parties who aided in setting fire to it, whether consistent with the Futwa or not: but the trial shall be sent to the Nizamut Adaulut, who, if satisfied of the party's guilt, shall commute it to transportation for life, or shall submit the case to the Governor General in Council with recommendation of pardon or mitigation. *Ben.* 1795 *R.* 21. § 7.

9. And the same, if a Brahmen in Benares be convicted of killing his women or children in resentment towards the officers of Government or any other person. *Ben.* 1795 *R.* 21. § 9.

10. The trials of prisoners, sentenced to death by the assembly of hill chiefs, are to be sent by the Magistrate of Bhaugulpoor to the Nizamut Adaulut, with his opinion on the case. *Beng.* 1796 *R.* 1. § 12. A. D. 1796

11. In ten days from the adjournment of the assembly. *Beng.* 1796 *R.* 1. § 14.

A. D. 1796 12. The Nizamut Adaulut shall not pass sentence of death on any hill prisoners not so sentenced by the assembly. *Beng.* 1796 *R.* 1. § 13. *C.* 2.

13. Hill prisoners, convicted of murder, shall suffer death notwithstanding the heir of the slain should pardon them, if they would have been liable to suffer death had the heir demanded retaliation. *Beng.* 1796 *R.* 1. § 13. *C.* 4.

14. The Nizamut Adaulut may recommend to the Governor General in Council pardon or commutation, in cases of hill prisoners sentenced to death. *Beng.* 1796 *R.* 1. § 13. *C.* 5.

A. D. 1797 15. The Courts of Circuit, in the transmission of trials to the Nizamut Adaulut, are to give preference to those trials in which the prisoners are sentenced to death, or deemed deserving of it. *Beng. Reg.* 1797 *R.* 4 § 13. *Cod. Prov.* 1803 *R.* 7. § 36.

16. The proceedings shall be sent to the Nizamut Adaulut on all trials for murder, whether the Futwa declare the prisoner liable to suffer death, or declare him not liable to capital punishment on the failure of Kisas, from the heir's not being entitled to demand it, or the parties standing in the relation of parent and child, master and slave, or otherwise. *Beng. Reg.* 1797 *R.* 4. § 3. *Cod. Prov.* 1803 *R.* 7. § 15. *C.* 2.

17. And, on the reference of such trials, the Nizamut Adaulut shall pass such final sentence, as may appear consonant to justice, and conformable to the Muhamedan law, under the modifications authorized by the Regulations *Beng. Reg.* 1797 *R.* 4. § 4. *Cod. Prov.* 1803 *R.* 8 § 11.

A. D. 1799 18. The Nizamut Adaulut shall sentence a murderer to death, though the Futwa should declare him not liable to suffer it by Kisas, in consequence of his being the ancestor of the deceased or of an heir of the deceased, or in consequence of the deceased having been a slave, or on any similar ground of personal distinction. *Beng. Reg.* 1799 *R.* 8. § 2. *Cod. Prov.* 1803 *R.* 8. § 15.

19. Or in consequence of the deceased having requested the prisoner to put him to death. *Beng. Reg.* 1799 *R.* 8. § 3. *Cod. Prov.* 1803 *R.* 8. § 16.

20. Or on the ground of one or more of the accomplices not being liable to Kisas. *Beng. Reg.* 1799 *R.* 8. § 4. *Cod. Prov.* 1803 *R.* 8. § 17.

21. And in cases of homicide by drowning or poison, if they deem the intention of drowning or poisoning to be evident. *Beng. Reg.* 1799 *R.* 8. § 5. *Cod. Prov.* 1803 *R.* 8. § 10. *C.* 1.

22. The Nizamut Adaulut may sentence to death accomplices in wilful murder, if fully convicted, whether the Futwa award it or not. *Beng. Reg.* 1799 *R.* 8. § 4. *Cod. Prov.* 1803 *R.* 8. § 17.

23.

23. The Nizamut Adaulut shall sentence to death, unless deemed an object of mercy, a person convicted of having deliberately intended to murder one individual and accidentally killed another, in prosecution of the murderous intention. *Beng. Ben.* 1801 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 2. A. D. 1801

24. Also any person convicted of having committed homicide in the deliberate intention of committing any other crime, which, if committed, would have rendered him liable to a sentence of death. *Beng. Ben.* 1801 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 3.

25. Also, persons convicted of throwing, or causing to be thrown, into the sea or a river, any child, with or without his consent, if the child lose his life in consequence; and all aiders and abetters; whatever may be the Futwa. *Beng. Ben.* 1802 *R.* 6. § 2. A. D. 1802

26. The Courts of Circuit shall refer to the Nizamut Adaulut all trials in gang robbery, when the sentence is death. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 6 *C.* 1. A. D. 1803

27. And shall not pass sentence, nor issue their warrant for execution of the sentence, unless for acquittal, on any accomplice, if any of the prisoners convicted be sentenced to death. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 6. *C.* 2.

28. The Nizamut Adaulut shall revise the whole proceedings referred to them, in cases of capital sentence. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 5.

29. In gang robberies accompanied with murder, leaders of gangs, and persons actively concerned, or present, aiding and abetting, or, though not present, procuring and causing it by preconcerted plan, shall be adjudged to death. *Beng. Ben. Ced. Prov* 1803 *R.* 53. § 4 *C.* 1.

30. And in gang robberies accompanied by aggravating acts of violence without homicide, leaders and heinous offenders may be adjudged to death, if convicted of repetition; or of such a degree of cruelty, as may be punishable with death under the discretion of Seasut, and may appear to the Nizamut Adaulut deserving of death. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 2.

31. Convicts, transported subsequently to this Regulation, if convicted of returning without permission into any part of the Company's territory under the Presidency of Bengal, shall be adjudged to death. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 9 *C.* 2.

32. In the revision of trials referred by the Magistrates of the Ceded Provinces prior to 24th March 1803, if the Futwa declare the prisoner liable to suffer death, the Court of Circuit shall not pass sentence, but shall refer the proceedings to the Nizamut Adaulut. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 4.

A. D. 1804 33. Persons, convicted before a Court Martial of treason, rebellion, &c. shall be liable to the immediate punishment of death, and shall suffer the same accordingly. *Beng. Ben. Ced. Prov.* 1804 *R.* 10. § 3.

A. D. 1805 34. Any watchman, guard or police officer, convicted of having been present, aiding and abetting at, or, though not present, of having procured and caused robbery or an attempt to rob, in which any person shall have been killed, wounded, maimed, burnt, or personally injured, or any dwelling house set on fire, or any aggravating act committed, will be liable to suffer death by sentence of the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 4.

DECREES.

I. *HOW DECREES SHALL BE PASSED.*

A. D. 1793 1. Decrees, concerning the succession to real property claimed by several persons, shall include every person entitled to a share by the law of the religion of the parties, in the proportion to which each may be respectively entitled thereto *Beng.* 1793 *R.* 3. § 13. ext *Ben* 1795 *R.* 7. § 7 *Ced. Prov.* 1803 *R.* 2 § 19.

Modified 1795 R. 58 § 4 2 All decrees, concerning the possession of Malguzaree lands, passed by Zilla and City Courts, or received for execution from Appeal Courts, are to be sent to the Board of Revenue and Collectors, in ten days from being passed or received. *Beng* 1793 *R.* 4. § 9. *Ben* 1795 *R* 8 § 4. *C* 2. *Ced. Prov* 1803 *R.* 3. § 11. *C.* 1.

3 Suits shall not be entertained, which by the production of a former decree may appear to have been already decided by a competent Court if the competence of the former Court be doubted, report shall be made to the Sudder Dewannee Adaulut. *Beng.* 1793 *R* 3 § 16 *Ben* 1795 *R* 7. § 10. *Ced. Prov.* 1803 *R* 2 § 10.

4 Courts are invariably to state in every decree the grounds on which they pass it. *Beng* 1793 *R.* 3 § 20. *Ben* 1795. *R.* 7. § 12. *Ced. Prov.* 1803 *R.* 2. § 16.

5. No decree is to be made in Zilla and City Courts otherwise than on Court days and in open Court. *Beng.* 1793 *R.* 3. § 5. ext. *Ben.* 1795 *R.* 7. § 5. *Ced Prov.* 1803 *R.* 2 § 14.

6. Nor in Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 4. *Ben* 1795 *R.* 9. § 4 *Ced. Prov.* 1803 *R.* 4. § 4.

7. Nor in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 3 ext. *Ben.* 1795 *R.* 10 § 2. *Ced. Prov.* 1803 *R.* 5. §. 3.

8. No decree shall be valid in a Provincial Court of Appeal unless passed by two Judges present in Court. *Beng.* 1793 *R.* 47. § 4. ext. *Ben.* 1795 *R.* 25. § 2. *Ced. Prov.* 1803 *R.* 15. § 4.

9. The decree shall contain the names of the principal claimants; the [illegible] exhibits read; the annual produce of the land, or value of the property, or the principal amount in money, decreed; it shall be dated on the day on which it passed, and be signed and sealed by the Judge, and delivered and tendered by him or by the Register, in open Court, within ten days, to the parties or their Vakeels, with an endorsement by the Register of the date of delivery, or of tender if the party refuse to take it after notice given of a day for the delivery, and an endorsement of the cause of non-delivery; decrees, if not taken by parties, are with such endorsement to be deposited among the records. *Beng* 1793 *R* 4. § 26. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3 § 27.

10 The Courts are invariably to insert in the decrees all costs paid or payable by the parties; who shall not be liable to any costs not inserted in the decree. *Beng.* 1793 *R.* 7 § 9. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R* 10 § 8 *C.* 6.

11. Decrees, in the Provincial Appeal Courts, are to be signed by the Judges present at the decision, counter signed by the Register, and delivered to the parties, and all the pleadings, exhibits and depositions are to be numbered, marked, dated and signed by the Register *Beng.* 1793 *R.* 5. § 29. *R* 47. § 4. ext. *Ben.* 1795 *R.* 9. § 6. *R.* 25. § 2. *Ced. Prov.* 1803 *R.* 4. § 29. *R.* 15 § 4.

12. The same in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 28. ext. *Ben* 1795 *R* 10. § 2 *Ced Prov.* 1803 *R* 5 § 28

13. Commissioners are to deliver, or tender, in three days, copy of the decree to the parties or their Vakeels, and endorse on any decree, which the party may refuse to take, a note of such refusal, and send such decree to the Court. *Beng* 1793 *R.* 40. § 9. *C* 14 ext *Ben* 1795 *R* 31 § 2 *Ced. Prov* 1803 *R.* 16 § 7. *C* 14

14 Copy of a decree of forfeiture of lands, for resistance to process of the Zilla Court, if not appealed, or not appealable, or if passed by the Sudder Dewannee Adaulut, shall be transmitted to the Governor General in Council, and, if not commuted by him in four weeks, shall stand good. *Beng* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3 § 23.

15. The same for resistance to the Provincial Court *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9 § 6. *Ced. Prov.* 1803 *R.* 4. § 23.

16. And for resistance to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5 § 24.

17. Or to the Collector of revenue. *Beng.* 1793 *R.* 14. § 16 *Ben* 1795 *R.* 6. 23. *Ced. Prov.* 1803 *R.* 27. § 23.

18.

[illegible] 1793 18. The same in case of forfeiture of lands by farmers, for resistance to the Zilla Court. *Beng.* 1793 *R.* 4 § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 4.

19. Or for resistance to the Provincial Court of Appeal. *Beng.* 1793 *R.* 8. § 25. ext. *Ben* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

20. Or to the Sudder Dewannee Adaulut *Beng.* 1793 *R.* 8 § 26. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

21. Or to the Collector. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

22. Decrees, convicting any law officer of a Court, of corruption, shall, if not appealed, be transmitted by the Zilla Courts to Government. *Beng.* 1793 *R.* 12. § 8. *C.* 4. ext. *Ben.* 1795 *R.* 11. § 2 *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 4.

23. And by the Provincial Courts of Appeal. *Beng.* 1793 *R.* 12. § 8. *C.* 5. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 5.

24. The Sudder Dewannee Adaulut shall transmit, in one week, to Government, copy of any such decree passed by them. *Beng.* 1793 *R.* 12. § 8. *C.* 6. ext *Ben.* 1795 *R.* 11. § 2 *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 6.

25 Decrees, acquitting a law officer of corruption, are to be sent to Government. *Beng.* 1793 *R.* 12. § 8. *C.* 8. ext. *Ben* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 8.

26. A decree, convicting a native ministerial officer of corruption, if not appealed, or not appealable, or if confirmed in appeal, shall be similarly transmitted to Government. *Beng.* 1793 *R.* 13. § 9 *C.* 8 ext *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C* 8

27 And a decree, convicting of corruption a native servant of a Judge. *Beng.* 1793 *R* 13. § 11. ext *Ben.* 1795 *R.* 12 § 2. *Ced. Prov.* 1803 *R.* 12 § 14.

28. A decree, convicting or acquitting, on charges of corruption, Company's civil servants attached to the Courts, are to be sent in one week to the Governor General in Council. *Beng.* 1793 *R.* 13. § 9 *C* 9 ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C* 9.

Modified 1794 R. 8 § 24

29. Decrees, passed by the Ministers, are to be signed by them; but are not to be considered valid until countersigned by the Judge. *Beng.* 1793 *R.* 13. § 6. ext. *Ben.* 1795 *R.* 12 § 2.

[illegible] D. 1794

30. The Courts are to send to the Collector, and the Board of Revenue, decrees [illegible] the right in, or possession of, rent-free lands. *Beng. Ben.* 1795 *R.* 58. § 3. *Ced. Prov.* 1803 *R.* 36. § 23.

31. And only such decrees concerning Malguzaree land, as affect the proprietary right or the possession of the land. *Beng. Ben.* 1795 *R.* 58. § 4. *Ced. Prov.* 1803 *R.* 3. § 11. *C.* 2.

32. Interest is to be allowed on unexecuted decrees for money, if confirmed in appeal. *Beng Ben* 1793 *R* 13. § 3. *Ced. Prov.* 1803. *R.* 4. § 35. *R.* 5. § 12. A. D. 1797

33. Decrees of Commissioners for suits concerning land are to include all claimants, who, by the law of their religion, have a legal title to a share in the property. *Beng.* 1797 *R* 18. § 5 *C* 3 A. D. 1797

34. Decrees are to be written on English paper bearing one Rupee stamp duty; and are to be prepared for delivery, whether the parties attend to take them or not. *Beng Ben* 1800 *R* 7. § 17 *Ced Prov* 1803 *R* 43 § 14 *C* 5. A. D. 1800

35 Copies for record are to be written on unstampt English paper. *Beng Ben.* 1800 *R.* 7 § 18 *Ced Prov.* 1803 *R* 43 § 15. *C* 4.

36. Decrees in the Sudder Dewannee Adaulut are not valid, unless passed by two Judges present in Court, and are to be signed by the Judges present at the passing thereof *Beng.* 1801 *R.* 2. § 6. A. D. 1801

37 Decrees, imposing fines for illicit salt works, shall be sent to the Governor General in Council *Beng* 1801 *R* 6 § 7. *C.* 6.

38. Decrees of a head native Commissioner are to include all the claimants to real property, in the proportion of their legal shares. *Beng Ben.* 1803 *R.* 49. § 9. *C* 9. *Ced Prov* 1803 *R* 6 § 26 *C.* 9. A. D 1803

39. A copy of every decree, wherein Government may be one of the parties, shall be sent, as soon as prepared, to the Secretary to Government in the Judicial Department, with an English translation. *Beng Ben Ced. Prov.* 1805 *R* 2. § 9 A. D. 1805

II *HOW DECREES SHALL BE EXECUTED.*

1. In the Ordinary Jurisdiction.

1 The decree is to be executed, if for real property, by causing delivery of possession, if for personal property, by delivery of the specific thing, if for a sum of money, by levying the amount through the process of imprisonment of the debtor, or sale of his property, or both. *Beng* 1793 *R.* 4. § 7. ext. *Ben.* 1795 *R.* 8. § 2 *Ced. Prov.* 1803 *R.* 3 § 9. A. D 1793

2. Decrees of Provincial Appeal Courts, against a landholder for the payment of a sum of money, shall be sent for execution, by the same process, by which Zilla Courts are authorized to execute similar decrees. *Beng.* 1793 *R.* 5. § 27. *Ben* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R* 4. § 27.

A. D. 1793 3. The same in regard to decrees of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 21. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 21.

4. If a sale of Malguzaree land should be necessary for the execution of a decree, the Court is to send a copy of it, with an English Translation, to the Board of Revenue. *Beng.* 1793 *R.* 45. § 2. *Ben.* 1795 *R.* 20. § 2. *Ced. Prov.* 1803 *R.* 26. § 16.

5. And the Board shall proceed to the sale, reporting it to Government. *Beng.* 1793 *R.* 45. § 3. *Ben.* 1795 *R.* 20. § 2. *Ced. Prov.* 1803 *R.* 26. § 17.

6. And the same for Lakheraj land. *Beng.* 1793 *R.* 45. § 17. *Ben.* 1795 *R.* 20. § 17. *Ced. Prov.* 1803 *R.* 26. § 26.

7. The Court, on payment of the decree, or for other cause, may, by address to the Board or precept to the Collector, countermand or postpone the sale. *Beng.* 1793 *R.* 45. § 16. *Ben.* 1795 *R.* 20. § 16. *Ced Prov.* 1803 *R.* 26. § 24.

8. If a portion of an estate be decreed to one person, or a whole estate be decreed to several persons, the Court, on application of the parties, may issue a precept to the Collector ordering a division of the estate. *Beng.* 1793 *R.* 25. § 4. *C.* 2. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 32. *C.* 2.

9. Decrees founded on awards of arbitrators, are to be executed like other decrees of the Court. *Beng.* 1793 *R.* 16. § 8. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 8.

10. If a decree, imposing a penalty for the illicit manufacture or vend of liquors or drugs, cannot be executed by the sale of any property of the offender, the Court may commit him to hard labour for one month. *Beng.* 1793 *R.* 51. § 3. *Ben.* 1795 *R.* 47. § 10. *Ced. Prov.* 1803 *R.* 40. § 29.

11. In executing a decree regarding the collection of prohibited Sayer, the damages and costs, receivable by the complainant, shall be recovered first: and, if property be not found adequate to the fine, the Court may commute it to an imprisonment deemed adequate. *Beng.* 1793 *R.* 27. § 11. *Ced. Prov.* (an imprisonment not exceeding six months) 1804 *R.* 11. § 53. 1805 *R.* 6. § 36.

12. A decree of a Provincial Court of Appeal, in an original suit, is to be executed like the decrees of the Zilla Courts. *Beng.* 1793 *R.* 5. § 6. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 6.

Re-enacted 1796 R. 12 § 2 13. Decrees for real property shall remain unexecuted, when appealed to a Provincial Court of Appeal, if the appellant, on next Court day, give security to the Court which passed the decree, in a sum equal to one year's produce. *Beng.* 1793 *R.* 5 § 12. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 5.

14.

14. The same in appeals to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 10. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 6. § 10. *C.* 6.

15. Decrees for personal property may be executed or not, in the discretion of the Court: if unexecuted, the appellant shall give security in the amount or value of the thing decreed; if executed, the respondent shall give similar security. *Beng.* 1793 *R.* 5. § 12. ext. *Ben.* 1795 *R.* 9. § 6. Modified 1796 R. 14. § 6.

16. The same in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 10. ext. *Ben.* 1795 *R.* 10. § 2. Ibid.

17. If an appeal on real property be presented to the Provincial Court of Appeal, and the decree shall not have been executed, and the appellant shall give the prescribed security, the Court of Appeal shall give orders for staying execution. *Beng.* 1793 *R.* 5. § 14. ext. *Ben.* 1795 *R.* 9. § 6.

18. The same in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 12. ext. *Ben.* 1795 *R.* 10. § 2.

19. Execution of that part of a decree, which relates to the payment of pleaders fees, shall not be stayed nor postponed in consequence of an appeal, nor on any other account. *Beng.* 1793 *R.* 7. § 10. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 9.

20. All appealed decrees are to remain unexecuted, if security equal to the amount or value of the thing decreed, (or to one year's produce if it be real property,) be given within such reasonable period, as may be fixed for the purpose. *Beng. Ben.* 1796 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 5. *R.* 5. § 10. *C.* 6. A. D. 1796

21. In appeals to the King in Council, the Sudder Dewannee Adaulut may order execution of the decree, taking security from the party in whose favor the decree is; or may suspend execution during the appeal, taking the like security from the party left in possession. *Beng. Ben.* 1797 *R.* 16. § 4. *Ced. Prov.* 1803 *R.* 5. § 33. A. D. 1797

22. If the security, given by an appellant for staying execution, shall be subsequently deemed insufficient, and the appellant shall not give further security within a reasonable time to be fixed, the decree may be executed, taking the prescribed security from the respondent. *Beng. Ben.* 1708 *R.* 5. § 3. *Ced. Prov.* 1803 (in Provincial Courts) *R.* 4. § 12. *C.* 8. (in Sudder Dewannee Adaulut) *R.* 5. § 10. *C.* 9. A. D. 1798

23. If judgment be given against a defendant or respondent, the Court shall immediately proceed to execute it; or, if appealed, shall immediately take the security prescribed for staying execution. *Beng. Ben.* 1802 *R.* 3. § 2. A. D. 1802

2. In

2. In Special Cases.

A. D. 1793

1. Decrees of the Court of Wards, in suits by disqualified landholders against Collectors, guardians or managers, are to be transmitted to the Zilla Court, and to be enforced as judgments of Civil Courts. *Beng.* 1793 *R.* 10. § 32. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 36. *C.* 2.

Rescinded 1804 R. 1 § 2

2. Decrees of the Regulating Officer of the invalid T'hanas, for real property situated within the limits of the T'hana, or which can be enforced by the sale of property within the T'hana, may be enforced by himself. *Beng.* 1793 *R.* 43. § 15.

Also

3. But, if the defendant possess no property within the T'hana, the decree is to be enforced by the Zilla Court if not appealed. *Beng.* 1793 *R.* 43. § 17.

4. Decrees of native Commissioners are to be enforced by the Court: Commissioners, issuing any process for enforcing their own decrees, shall be adjudged to pay twice the amount of the decree to the person against whom the process issued. *Beng.* 1793 *R.* 40. § 14. ext. *Ben.* 1793 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 12.

5. When decrees of forfeiture of land for resistance to Zilla Courts stand good or are confirmed by Government, the Court, which transmitted them to Government, shall, by precept to the Collector, direct the attachment of the land. *Beng* 1793 *R.* 4. § 22. *Ben.* 1795 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 5. § 24.

6. The same in regard to Provincial Courts of Appeal. *Beng* 1793 *R.* 5. § 23. *Ben.* 1795 *R.* 9 § 8. *Ced. Prov.* 1803 *R.* 4. § 23. *C.* 3.

7. And the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. *Ben.* 1795 *R.* 10. § 6. *Ced. Prov.* 1803 *R.* 5. § 24.

8. When such decrees of forfeiture of lease are confirmed, the Court shall send a copy to the Collector. *Beng* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25.

9. Also, for resistance to Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

10. And the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben.* 1795 *R.* 10 § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

11. In executing decrees of forfeiture of land for resistance to Zilla Courts, it shall be optional with the Governor General in Council to confer the land on the offender's heir; or, if it be a dependant Talook, on the Zemindar; or to order the land to be sold. *Beng.* 1793 *R.* 4. § 23. *Ben.* 1795 *R.* 8 § 6. *C.* 2. *Ced. Prov.* 1803 *R.* 3. § 24.

12. The same in the case of resistance to Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 24. *Ben.* 1795 *R.* 9. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 4. § 24.

13. And to the Sudder Dewannee Adaulut. *Beng.* 1793 R. 6. § [illegible] 20. § 7. *Ced. Prov.* 1803 R 5 § 25.

14. And to Collectors. *Beng.* 1793 R. 14. § 18. *Ben.* 1793 R. 6. § 25. *Ced. Prov.* 1803 R 27. § 25.

15. When such decrees in Zilla Courts are commuted by Government into a fine, the Court shall levy it by the usual process. *Beng.* 1793 R. 4. § 22. ext. *Ben.* 1795 R. 8. § 2. *Ced. Prov.* 1803 R. 3. § 23.

16. In Provincial Appeal Courts. *Beng.* 1793 R. 5. § 23. ext. *Ben.* 1795 R. 9. § 6. *Ced. Prov.* 1803 R. 4. § 23. C. 1.

17. In the Sudder Dewannee Adaulut. *Beng.* 1793 R. 6. § 24. ext. *Ben.* 1795 R. 10. § 2 *Ced. Prov.* 1803 R. 5. § 24.

18. And for resistance to Collectors. *Beng.* 1793 R. 14. § 16 *Ben.* 1795 R. 6. § 23. *Ced. Prov.* 1803 R. 27. § 23. C. 1.

19 And the same in regard to similar decrees against farmers in Zilla Courts. *Beng.* 1793 R. 4. § 24. ext *Ben* 1795 R. 8 § 2. *Ced. Prov.* 1803 R. 3. § 25. C. 1.

20. In Provincial Courts of Appeal. *Beng.* 1793 R. 5. § 25. ext. *Ben* 1795 R. 9. § 6. *Ced. Prov* 1803 R. 4. § 25.

21. In the Sudder Dewannee Adaulut. *Beng.* 1793 R. 6. § 26. ext *Ben.* 1795 R. 10 § 2. *Ced. Prov.* 1803 R. 5. § 26.

22. And for resistance to Collectors. *Beng.* 1793 R. 14 § 19 *Ben.* 1795 R. 6. § 26 *Ced. Prov.* 1803 R. 27. § 26.

23. Also fines imposed on other persons for resistance to Zilla Courts, if the decree be not appealed, or not appealable, or be passed by the Sudder Dewannee Adaulut. *Beng.* 1793 R. 4 § 25. ext. *Ben.* 1795 R. 8. § 2. *Ced. Prov.* 1803 R. 3 § 26.

24. The same in the instance of Provincial Courts of Appeal. *Beng.* 1793 R. 5. § 26. ext. *Ben.* 1795 R 9. § 6. *Ced. Prov.* 1803 R. 4. § 26.

25. And the Sudder Dewannee Adaulut. *Beng.* 1793 R. 6 § 27. ext. *Ben.* 1795 R. 10. § 2. *Ced Prov* 1803 R. 5 § 27.

26 Also fines on sureties for resistance to process of Collectors, when confirmed by Government. *Beng.* 1793 R. 14 § 21. *Ben.* 1795 R. 6. § 28. *Ced. Prov* 1803 R. 27. § 28.

27. Decrees against landholders, for resistance to Collectors, are not to be executed, until confirmed by Government or until four weeks have elapsed. *Beng.* 1793 R. 14. § 16 *Ben.* 1795 R 6. § 23. *Ced. Prov.* 1803 R. 27. § 23. Moheet 1795 R. 6 § 16

A. D. 1793 28. Nor against farmers. *Beng.* 1793 *R.* 14. § 19. *Ben* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

29 Nor against sureties. *Beng.* 1793 *R.* 14. § 21. *Ben.* 1795 *R.* 6 § 28. *Ced. Prov* 1803 *R* 27 § 28

30. Decrees, convicting law officers of corruption, are not to be enforced, if appealed and the usual security given. *Beng* 1793 *R.* 12. § 8. *C.* 3. ext. *Ben.* 1795 *R.* 11. § 2 *Ced. Prov* 1803 *R.* 11. § 8. *C.* 3.

31. Zilla Courts are to enforce them by the usual process, if not appealed, transmitting copies to Government. *Beng.* 1793 *R.* 12. § 8. *C.* 4. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 4.

32 Also Provincial Courts of Appeal. *Beng.* 1793 *R.* 12. § 8. *C.* 5. ext. *Ben.* 1795 *R* 11 § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C* 5.

33 The Sudder Dewannee Adaulut shall transmit, to Government, any such decree passed by them. *Beng.* 1793 *R.* 12. § 8. *C.* 6. ext *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R* 11. § 8. *C.* 6.

34. Decrees, convicting of corruption a native ministerial officer, if not appealed, or not appealable, or confirmed in appeal, shall be enforced like other decrees, transmitting a copy to Government. *Beng* 1793 *R.* 13 § 9. *C* 8. ext. *Ben.* 1795 *R* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 8.

35 And decrees, convicting of corruption a native officer of a Judge. *Beng.* 1793 *R.* 13. § 11 ext. *Ben* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 14.

36. On receipt of decrees convicting, upon charges of corruption, Company's civil servants attached to the Courts, the Governor General in Council will order the amount to be stopped from the officer's allowances, or take other measures judged expedient for enforcing the judgment. *Beng.* 1793 *R.* 13. 9. *C.* 9. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12 § 12. *C.* 9.

A. D. 1799 37 Decrees of forfeiture of land or lease, for resistance to process of Civil Courts, are not to be deemed final unless confirmed by the Governor General in Council; and shall not be executed, until notice of his confirmation be received. *Beng. Ben.* 1799 *R.* 9. § 3.

A. D. 1804 38. Sections 15 and 17 of Regulation 43 of 1793, for enforcing the decrees of the Regulating Officer of the invalids, are rescinded. *Beng.* 1804 *R.* 1. § 2.

3. In Matters of Revenue and Commerce.

A. D. 1793 Modified 1801 R. § 8 1. Before execution of a decree in favour of a private person against a registered weaver, the Agent shall be called upon to state whether the weaver was in the Company's employ when the cause of action arose; and to prove any claim which the Company

pany may have upon him; which being satisfied, the decree may be [illegible] property, but not against his person. *Beng.* 1793 *R.* 31. § 22. *Ced. Prov.* 1803 *R.* 37. § 19. *C.* 1. ext. *Ben.* 1805 *R* 4. § 2.

2. Decrees against persons in the Salt Department, from Catic to Aliah, may be executed against their property but not against their person; nor the implements, or advances, to be taken in execution; and the Agent shall be answerable for their appearance after the manufacturing season, if required: but, from Sawun to Asin, decrees may be executed against the person of salt officers &c. and, at any time, if the Agent inform the Court, that their attendance is not required by him. *Beng.* 1793 *R.* 29. § 21.

3. Decrees against all native officers in the Salt Department, subordinate to the head officers of Arungs, and against all other persons employed in the manufacture, are to be executed as above. *Beng.* 1793 *R.* 29. § 28.

4. In a suit, wherein the Collector is liable to give security, the damages and costs decreed against him are to be levied from his surety; or Government, on a report from the Judge, will order payment from the Treasury and a stoppage from the Collector's allowances. *Beng.* 1793 *R.* 14. § 36. *Ben.* 1795 *R.* 6. § 42. *Ced. Prov.* 1803 *R* 27. § 39.

5. If a Collector omit or refuse to obey any order or decree of a Court of Judicature, the Court may fine him according to the nature of the offence; reporting the circumstance to Government, if the Collector refuse to pay the fine. *Beng.* 1793 *R.* 14. § 36 *Ben.* 1795 *R* 6. § 42. *Ced. Prov.* 1803 *R* 27. § 39.

6 The opium Contractor shall bind himself to satisfy all decrees passed against his Agents &c. *Beng* 1793 *R* 32 § 2. *C.* 13. Expired

7. Government will be responsible for the due performance of the decree against Revenue Collectors in official suits. *Beng.* 1793 *R.* 14. § 36. *Ben.* 1795 *R.* 6. § 42 *Ced. Prov.* 1803 *R.* 27. § 39.

8. And of decrees against salt Agents and their Assistants, being covenanted servants; and will hold the Agents responsible for decrees against their Assistants being Europeans not in the Company's service. *Beng.* 1793. *R.* 29 § 28.

9. And of decrees against Commercial Agents; and will hold the Agents responsible for decrees against the head officers of Kotees. *Beng.* 1793 *R.* 31. § 22. *Ced. Prov.* 1803 *R.* 37. § 22. ext. *Ben.* 1805 *R.* 4. § 2.

10. Commercial Agents are responsible for the decree against any of their officers, the defence of whose suits they may have undertaken. *Beng.* 1793 *R.* 31. § 18. *Ced. Prov.* 1803 *R.* 37. § 18. ext. *Ben.* 1805 *R.* 4. § 2.

11.

A. D. 1793 11. And Salt Agents, for decrees against their Assistants, and officers, or persons employed by them, the defence of whose suits they may have undertaken. *Beng* 1793 *R.* 29 § 22 *C.* 9.

12 And the Board of Trade may make a Salt Agent, his Assistant, or head officer, responsible for the decree in any suit not defended by order of the Board or of the Governor General in Council; if they shall be of opinion, that the Company ought not to be charged with it. *Beng.* 1793 *R.* 29. § 26.

13. Or a Commercial Resident and his officers. *Beng.* 1793 *R* 31. § 20. *Ced. Prov* 1803 *R* 37 § 20 ext. *Ben.* 1805 *R* 4. § 2.

14 Salt Agents are responsible for the decree against any person employed in the manufacture, for whom they or their head officers may have become security or may have vouched the security given. *Beng.* 1793 *R.* 29. § 20. *C.* 8

15. And Commercial Agents. *Beng* 1793 *R* 31. § 10. *C.* 8. *Ced. Prov.* 1803 *R.* 37. § 10 *C* 8. ext *Ben* 1805 *R* 4 § 2.

A. D. 1795 16 Custom Masters are answerable for a decree in any suit against their officers, the defence of which they may have undertaken. *Beng. Ben* 1795 *R* 37. § 24. *Ced Prov* 1804 *R* 11. § 43.

17. Government will be responsible for making them satisfy the decree, in any suit against themselves. *Beng. Ben.* 1795 *R* 39 § 28. *Ced. Prov* 1804 *R.* 11 § 41.

18. And the Board of Trade may make them responsible for the decree in a suit not defended by order of the Board or of the Governor General in Council, if of opinion that the Company ought not to be charged with it. *Beng. Ben.* 1795 *R.* 39 § 26. *Ced Prov.* 1894 *R* 11 § 45.

Expired 19. Decrees against the Agents of the Benares opium Contractor, for extortion, are to be levied from the Contractor or his Chief Agent on the spot. *Beng.* 1795 *R.* 32. § 2. *C.* 22

A. D. 1798 20 Decrees against an officer of a salt Chokee may be enforced on his property; but his person shall not be removed without previous notice to the person under whose superintendence he acts. *Beng.* 1798 *R.* 4. § 9.

A. D 1799 21. Government will be responsible for causing the opium Agents to make good decrees against them, and will hold the Agents responsible for their head officers of Kotees performing decrees against them. *Beng. Ben.* 1799 *R.* 6. § 33.

22. The opium Agents are responsible for the performance of the decree against any of their native officers; the defence of which suit they may have undertaken. *Beng. Ben.* 1799 *R.* 6. § 29.

13.

23 And the Board of Trade may make them responsible for the decree in any suit not defended by orders of the Board or of the Governor General in Council, if of opinion that the Company ought not to be charged with it. *Beng. Ben.* 1799 *R.* 6. § 9. A. D. 1799

24. Decrees, imposing fines for illicit salt works, shall be sent to the Governor General in Council; and shall not be executed without his order. *Beng.* 1801 *R.* 6. § 7. *C.* 6. A. D. 1801

25. Decrees in favor of private persons may be executed against the persons of weavers, who have completed their engagements with the Company and have not taken new advances. *Beng.* 1801 *R.* 9. § 3. *Ced. Prov.* 1803 *R.* 37. § 12. *C.* 2.

DEEDS.

1. An office for the registry of deeds shall be established, in each Zilla and City, under the superintendence of the Register of the Civil Court; who shall previously take a prescribed oath before the Judge. *Beng.* 1793 *R.* 36. § 2. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 2. A. D. 1793

2. Or the Register may, with leave of the Judge, depute in his own absence a covenanted servant, who shall take the same oath. *Beng.* 1793 *R.* 36. § 15. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 15.

3. The following deeds may be registered. *Beng.* 1793 *R.* 36. § 3. *C.* 1. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 1.

4. Deeds of sale or gift for lands, houses, or other real property. *Beng.* 1793 *R.* 36. § 3. *C.* 2. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 2.

5. Deeds of mortgage on lands &c. and certificates of their discharge. *Beng.* 1793 *R.* 36. § 3. *C.* 3. ext. *Ben.* 1795 *R.* 28. *C.* 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 3.

6. Leases, and limited assignments of lands &c. and all conveyances for the temporary transfer of real property. *Beng.* 1793 *R.* 36. § 3. *C.* 4. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 4.

7. Wills. *Beng.* 1793 *R.* 36. § 3. *C.* 5. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 5.

8. Written authorities from husbands to their wives to adopt sons after the husband's death. *Beng.* 1793 *R.* 36. § 3. *C.* 6. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 6.

9. The omission of registering any deeds executed before 1st January 1796, shall not prejudice the rights of the parties. *Beng.* 1793 *R.* 36. § 4. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* (before 24th March 1806) 1803 *R.* 17. § 4.

A. D. 1793 10. Nor the omission of registering leases or other conveyances for the temporary transfer of real property, wills, and authorities from husbands to their wives to adopt sons, executed subsequent to 1st January 1796. *Beng.* 1793 *R.* 36. § 5. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* (subsequent to 24th March 1806) 1803 *R.* 17. § 5.

11. But deeds of sale or gift for real property, executed on or after 1st January 1796, if registered, shall supersede any similar deeds for the same property executed also after 1st January 1796 and not registered, whether executed prior or subsequent to the registered deed. *Beng.* 1793 *R.* 36. § 6. *C.* 1. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* (after 24th March 1806) 1803 *R.* 17. § 6. *C.* 1.

12. And mortgage deeds for real property, executed on or after 1st January 1796. *Beng.* 1793 *R.* 36. § 6. *C.* 2. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* (after 24th March 1806) 1803 *R.* 17. § 6. *C.* 2.

13. Unless the party, taking and registering a subsequent deed, knew of the existence of a prior deed, and of its not being registered. *Beng.* 1793 *R.* 36. § 6. *C.* 3. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 6. *C.* 3.

14. Deeds are to be registered in the office of the Zilla in which the property is situated; and in each jurisdiction, if situated in the jurisdiction of two or more Adauluts. *Beng.* 1793 *R.* 36. § 7. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 7.

15. Each species of deed shall be registered in a separate book, paged and attested by the Judge. *Beng.* 1793 *R.* 36. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 8. *C.* 1.

16. Deeds registered shall be numbered; and the day, month, year and time of the day, when registered, shall be noted in the margin. *Beng.* 1793 *R.* 36. § 8. *C.* 2. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 8. *C.* 2.

17. A fee shall be paid of two Rupees for every deed registered, one Rupee for every copy of a deed furnished, and half a Rupee for every search; and, till the fee be paid, the Register may refuse the official act required. *Beng.* 1793 *R.* 36. § 14. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 14.

18. The certificate of the Register, endorsed on a deed, shall be evidence of the registry. *Beng.* 1793 *R.* 36. § 10. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 10.

19. The copies of deeds, on being registered after being compared with the original, shall be attested by the parties, and two witnesses, and by the Register; who shall endorse thereon, with his signature, a certificate of the date and time of the day when registered, and a reference to the book, page and number of the registry. *Beng.* 1793 *R.* 36. § 9. *C.* 2. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 9. *C.* 2.

20.

20. And, if originals be loſt, copies of regiſtered deeds ſhall be received as ſufficient evidence of ſuch deeds in the Courts of Juſtice, proof of due execution of the original being made by the ſubſcribing witneſſes. *Beng.* 1793 *R.* 36. § 11. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 11. A. D. 1793

21. Perſons, counterfeiting or falſifying an entry of the regiſtry or a certificate of regiſtry, ſhall be proſecuted by the Regiſters in the Criminal Courts. *Beng.* 1793 *R.* 36. § 12. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 12.

22. The pleaders are to give receipts for all deeds delivered to them by their clients; and, on refuſal to reſtore them, may be compelled by the Court. *Beng.* 1793 *R.* 7. § 15. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 14.

23. All deeds, belonging to the eſtate of a diſqualified landholder under charge of the Court of Wards, ſhall be delivered by the manager to the Collector, who ſhall tranſmit them to the Court, to be depoſited in the General Treaſury; except Government ſecurities, which the Collector ſhall depoſite in his own treaſury: the Collector ſhall furniſh the manager with a receipt for all ſuch deeds, and with a copy of the Sub-treaſurer's receipt, which will be ſent to him by the Court of Wards. *Beng.* 1793 *R.* 10. § 18. *Ced. Prov.* 1803 *R.* 52. § 22.

24. The Cazee-ul-Cuzat and Pergunna Cazees are to keep copies of all deeds drawn up or atteſted by them, are to affix their ſeals and ſignatures thereto, and are to keep a liſt of them; which papers and liſt ſhall be delivered to their ſucceſſors. *Beng.* 1793 *R.* 39. § 7. ext. *Ben.* 1795 *R.* 45. § 9. *Ced. Prov.* 1803 *R.* 46. § 7.

25. The Pergunna Cazees are not to exact any fees for drawing up or atteſting deeds excepting ſuch as may be voluntarily paid by the parties. *Beng.* 1793 *R.* 39. § 8. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 8. Reſcinded 1797 R. 6 § 16 C. 1. Revived 1800 R. 7 § 12

26. All deeds of contract, bargain, ſale, mortgage, releaſe, aſſignment, and other conveyances or inſtruments in writing, except deeds relating to marriage ſettlements, and all copies of ſuch deeds and inſtruments including copies of deeds relating to marriage ſettlements, which ſhall be prepared by a Cazee or Muftee or his officers and atteſted with his ſeal and ſignature, ſhall be on ſtampt paper paying a duty of two Ahnas, four Annas, eight Annas, and one Rupee, according to the ſize of the paper; and the duty is to be paid by the party, at whoſe application ſuch deeds or copies are prepared and atteſted. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 1. A. D. 1797 Re-enacted 1800 R. 7 § 5

27. Cazees &c. atteſting ſuch deeds or copies on unſtampt paper ſhall be reported to Government for diſmiſſion; and the document ſhall not be received as evidence until payment of a penalty of ten times the duty. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 6. Modified 1800 R. 7 § 6

28.

A. D. 1797 28. The size and description of the paper will be determined by Government on samples submitted by the Board of Revenue, furnished by Cazees to the Magistrates, and forwarded by them to the Collectors, and by the Collectors to the Revenue Board. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 3.

29. No more matter is to be written on stampt paper, than has been usually written on other paper of the same size. *Beng. Ben.* 1797 R. 6. § 23. *C.* 1.

30. If the matter should be not contained in one sheet, the rest shall be written on other sheets similarly stampt; and if an unstampt sheet be annexed to a stampt sheet, the same penalties shall be incurred as if the whole were unstampt. *Beng. Ben.* 1797 *R.* 6. § 23. *C.* 2.

31. But penalties may be mitigated to not less than twice the duty. *Beng. Ben.* 1797 *R.* 6. § 23. *C.* 3.

Rescinded 1800 R. 7 § 12 32. The undefined fees, which the Cazees and Muftees are authorized to receive, for preparing and attesting deeds, by Section 8, Regulation 39 of 1793, are abolished. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 1.

A. D. 1800 33. Clause 1, Section 16, Regulation 6 of 1797, is rescinded; and Section 8, Regulation 39 of 1793, is again in force. *Beng. Ben.* 1800 *R.* 7. § 12.

34. All deeds of sale, gift, devise, transfer, mortgage, assignment, release, contract, agreement, and other legal instruments of whatever denomination, executed after 30th September 1800, and all copies thereof prepared as legal vouchers by a Cazee, Muftee or any other person, shall be written on stampt paper paying a duty of four Annas, eight Annas, one Rupee, and two Rupees, according to the size of the paper. *Beng. Ben.* 1800 *R.* 7. § 5. *C.* 1.

35. Except contracts or engagements for the provision of the Company's investment, and the manufacture of salt and opium, and all deeds to which Government may be one of the contracting parties, and except copies of such contracts and deeds. *Beng. Ben.* 1800 *R.* 7. § 5. *C.* 4.

36. And, if unstampt, shall not be received in evidence until the proper stamp be affixed. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 1.

37. Unstampt deeds, produced to a Collector within sixty days after execution, with a penalty of five times the duty, may be sent by him to the Superintendent of stamps for stamping. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 2.

38. And, if produced after sixty days, with ten times the duty. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 3.

39. But the Board of Revenue, on report of the Collector, may remit the penalty on evident ignorance. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 4. A. D. 1800

40. Persons, executing, or causing to be executed, an unstampt deed not subsequently produced for stamping, shall, on discovery of the fraud, be fined ten times the duty in addition to the penalty payable by the holder of the deed; but the Courts may remit this penalty on evident ignorance. *Beng. Ben.* 1800 *R.* 7. § 7.

41. The party, bound to execute a deed, shall furnish the paper. *Beng. Ben.* 1800 *R.* 7. § 9.

42. Copies of deeds, furnished by Registers from the registry of deeds, are to be on stampt paper supplied by the party applying for the copy. *Beng. Ben.* 1800 *R.* 7. § 24.

43. And petitions to the Register concerning the registry of deeds are also to be on stampt paper. *Beng. Ben.* 1800 *R.* 7. § 24.

DEFAULT.

1. If a plaintiff shall at any time neglect to proceed in his suit during six weeks, it shall be dismissed; except on good cause shown for the neglect: the reason for dismissing or not dismissing it shall be recorded. *Beng.* 1793 *R.* 4. § 10. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 12. A. D. 1793

2. The same in the case of an appellant's neglecting to proceed in an appeal before a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 21. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 21.

3. Or before the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 19. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 19.

4. If a defendant neglect to rejoin at the time appointed, the Register of the Court is to enter a rejoinder for him. *Beng.* 1793 *R.* 4. § 5. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 5.

5. If a plaintiff shall neglect, during one month, to pay the subsistence of a defendant in close custody at his instance, and shall not, within one month after notice affixed in Court room, pay the sum in arrear and one month in advance, the defendant sha released. *Beng.* 1793 *R.* 4. § 8. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 10.

6. If a defendant, being summoned, shall not appear; or appearing shall not answer; or, having avoided summons and being required by public notice to appear, shall not appear at the time limited; or shall make any other default; the Court, on examination of the plaintiff's allegations and witnesses only, shall give judgment in the same

A. D. 1793 manner as if the defendant had appeared, answered and entered into proof. *Beng.* 1793 *R.* 4. § 11. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 13.

7. If a defendant, who has given security, shall not appear nor give answer; the plaintiff may proceed as above, or may institute a suit against the sureties and recover from them whatever he may prove to be due to him from the defendant. *Beng.* 1793 *R.* 4. § 12. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 14.

8. Suits, though entertained in a Zilla or City Court under an order from a Provincial Court of Appeal, may be dismissed for default: but the grounds of dismission shall be notified, in a week, to the Court who referred the suit. *Beng.* 1793 *R.* 5. § 7. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 7.

9. Or under an order of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 4. *C.* 1. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 4. *C.* 1.

10. The same for appeals received in a Provincial Court of Appeal, under an order of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 5. *C.* 1. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 5. *C.* 1.

11. If parties in a suit referred to arbitration make default, the arbitrators may adjudge the same penalties against them which the Civil Courts are authorized to do, after obtaining the permission of the Court on a report of the case. *Beng.* 1793 *R.* 16. § 6. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 6.

12. In suits before native Commissioners as referees, if the plaintiff make default, the cause shall be dismissed. *Beng.* 1793 *R.* 40. § 9. *C.* 7. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 7.

13 If the defendant make default, the cause shall be tried ex parte. *Beng.* 1793 *R.* 40. § 9. *C.* 8. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 8.

14. But the Zilla or City Court may itself try, or order a trial de novo, on good cause being shown for the default. *Beng.* 1793 *R.* 40. § 9. *C.* 9. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 9.

15. The same rules in suits before them as arbitrators. *Beng.* 1793 *R.* 40. § 10. *C.* 4. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 8. *C.* 4.

16. Or as Munsifs. 1793 *R.* 40. § 12. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 10.

17. The Provincial Courts of Appeal may proceed to try appeals ex parte, if the respondent do not appear after being summoned and proclaimed. *Beng.* 1793 *R.* 5. § 17. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 17.

18.

18. And the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* [illegible] *Ben.* 1795 [illegible] *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 15.

19. In appeals to the Board of Revenue or to the Governor General in Council preferred before the 1st January 1793 and revived in the Sudder Dewannee Adaulut, should the appellant have merely filed a petition of appeal and omitted to proceed in the appeal for six weeks, this Court shall dismiss the appeal unless good cause be shown for the omission. *Beng.* 1793 *R.* 6. § 9. *C.* 1.

20. The Provincial Courts of Appeal are not to try any appeal where the appellant shall have made default during six weeks, unless he can show good and satisfactory cause for the omission. *Beng.* 1794 *R.* 5. § 8. A. D. 1794

21. If a defendant, on a summary suit for rent, shall not appear, nor show good cause for non-appearance, the Court shall proceed to judgment on the documents of the plaintiff. *Beng.* 1795 *R.* 35. § 13. *C.* 2. A. D. 1795

22. The Sudder Dewannee Adaulut may receive appeals, whatever be the amount, if rejected or dismissed for any default in a Provincial Court of Appeal; and may direct their being received, or revived, and tried on the merits; but shall fine such appellants, if deemed litigious. *Beng. Ben.* 1801 *R.* 2. § 8. *Ced. Prov.* 1803 *R.* 5. § 10. *C.* 13. A. D. 1801

23. The Provincial Courts of Appeal may similarly proceed with appeals rejected or dismissed for any default by a Zilla or City Judge; and the latter, with appeals dismissed for default by his Register. *Beng. Ben.* 1801 *R.* 2. § 9. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 12. and 13.

24. Such appeals to a Provincial Court of Appeal are not precluded by the rules for special appeals. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 5. A. D. 1803

25. In such appeals, the regular pleadings need not be held; nor any but such summary proceedings as may appear sufficient on consideration of the stated ground for rejecting or dismissing the previous appeal. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

26. No institution fee is to be levied on such appeals: but, if they be found groundless and litigious, the appellant shall be fined under Section 8, Regulation 2 of 1801. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 3. *Ced. Prov.* 1803 *R.* 43. § 4. *C.* 8.

27. Notice of such appeals shall be given to the respondent; but he shall not be required to attend unless his attendance be found necessary: if either party employ an authorized pleader, the Court may award him an adequate fee, under Section 14, Regulation

A. D. 1803 gulation 5 of 1798. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 4. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

28. No security is to be required in such appeals from either party, except security for staying execution. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 5. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

29. The institution fee shall not be paid to the Register on suits dismissed for non-attendance of the plaintiff, or for any other ground of nonsuit, or default. *Beng. Ben.* 1803 *R.* 49. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 43. § 4. *C.* 6.

30. Nor to a head native Commissioner. *Beng. Ben.* 1803 *R.* 49. § 11. *C.* 2. *Ced. Prov.* 1803 *R.* 16. § 8. *C.* 5.

31. Nor to any other Commissioner. *Beng. Ben.* 1803 *R.* 49. § 11. *C.* 3. *Ced. Prov.* 1803 *R.* 43. § 4. *C.* 7.

A. D. 1805 32. The authority vested in the Provincial Courts of Appeal by Section 9, Regulation 2 of 1801, is extended to all cases of original suits rejected or dismissed by Zilla or City Courts on the ground of any default. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 11.

DEFECTS OF NATURE.

A. D. 1793 1. Landholders, incapable of managing their estates from any natural defect or infirmity, if they be not partners in a joint estate with others not disqualified, shall not have charge of their estates. *Beng.* 1793 *R.* 8. § 20.

2. Which shall be managed for their benefit in trust by Government. *Beng.* 1793 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 52. § 1.

Modified 1799 R. 7 § 26 3. Under a manager to be chosen by the Collector subject to the approbation of the Board of Revenue; preference being given to the heir of the estate, a near relation, or a family servant. *Beng.* 1793 *R.* 10. § 8. *C.* 1.

4. And shall be under the superintendence of the Court of Wards. *Beng.* 1793 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 52. § 3.

5. And such estates are not liable to be sold for arrears of public revenue, while under the Court of Wards; nor shall such proprietor be liable to arrest and confinement for arrears. *Beng.* 1793 *R.* 1. § 8. *C.* 5. *Ced. Prov.* 1803 *R.* 52. § 6.

6. The Collector shall report to the Board, whenever any proprietors come within this description of disqualification. *Beng.* 1793 *R.* 10. § 4. *Ced. Prov.* 1803 *R.* 52. § 8.

7. Stating the condition of the party, the particulars of the estate real and personal, the person deemed most eligible for guardian and manager, with a report of any testamentary appointment of guardian, and any objection to the confirmation thereof. *Beng.* 1793 *R.* 10. § 34. *Ced. Prov.* 1803 *R.* 52. § 38.

8. Estates, in which all the sharers are not thus or otherwise disqualified, shall be under a manager elected by the majority of proprietors present; or, if the votes be equal, by the greater interest of the voters; or, if the votes and interest be both equal, by the Board of Revenue. *Beng.* 1793 *R.* 8. § 23. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 1. Rescinded Beng. 1804 R. 17. § 2

9. The guardians of such disqualified sharers shall vote in the election. *Beng.* 1793 *R.* 8. § 24. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 2. ditto

10. And, if the proprietors of such estate omit to elect a manager on the requisition of the Collector, he shall nominate one for the approbation of the Board: but the responsibility and expense shall rest with the proprietors. *Beng.* 1793 *R.* 8. § 25. *Ced. Prov.* 1803 *R.* 52 § 5 *C.* 3. ditto

11. The determination of the majority shall be similarly binding as to agreeing or disagreeing to the proposed assessment of such estates. *Beng.* 1793 *R.* 8. § 26. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 4.

12. The proprietors of such estates also are not liable to arrest and confinement for arrears of revenue. *Beng.* 1793 *R.* 14. § 48. *Ced. Prov.* 1803 *R.* 52. § 6.

13. The Collector, being ordered by the Board of Revenue, shall represent, through the Vakeel of Government, to the Zilla Court, every case of disqualification from natural defects or infirmity; the representation shall be forwarded to the Sudder Dewannee Adaulut who will order the Zilla Court, or the Provincial Court of Appeal, to ascertain the fact by ocular inspection and the oath of not less than three witnesses; the proceedings shall be sent to the Sudder Dewannee Adaulut, whose decision shall be final, and is to be certified to the Governor General in Council; who will order the Court of Wards to take charge of the estate or not, according as the Sudder Dewannee Adaulut may have decided. *Beng.* 1793 *R.* 10. § 5. *C.* 4. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 4.

14. Persons, not born idiots, are to be produced annually, or oftener if deemed necessary, before the Zilla Court; who, if the disqualification appear to be completely removed, shall report the case to the Sudder Dewannee Adaulut; and this Court shall communicate its decision to the Governor General in Council; who will order the Court of Wards to give up charge of the estate or not, according as the Sudder Dewannee Adaulut may have decided. *Beng.* 1793 *R.* 10. § 5. *C.* 5. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 5.

15. Any person, deeming the ground of his own disqualification to have ceased, may present a petition to the Zilla Court who shall transmit it to the Sudder Dewannee Adaulut; and it is to be proceeded on, as directed in Clause 4. *Beng.* 1793 *R.* 10. § 5. *C.* 6.

A. D. 1793. 16. Landholders, disqualified on account of natural defects or infirmity, are to have guardians. *Beng.* 1793 *R.* 10. § 22. *Ced. Prov.* 1803 *R.* 52. § 26.

17. The guardian is to be chosen by the Collector, subject to the approbation of the Board of Revenue; but shall not be the legal heir or other person interested in outliving the ward: landholders may appoint guardians to disqualified heirs by will; and their testamentary appointments shall be reported by the Collector, to the Court of Wards, with his sentiments, and shall be preferred if the person be otherwise qualified. *Beng.* 1793 *R.* 10. § 21. *Ced. Prov.* 1803 *R.* 52. § 25.

18. Disqualified landholders are not to be sued, except jointly with the guardian. *Beng.* 1793 *R.* 10. § 32. *C.* 1. *Ced. Prov.* 1803 *R.* 52. § 36. *C.* 1.

A. D. 1795 19. Guardians, when sued jointly with their wards, are not to give security. *Beng.* 1795 *R.* 55. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 7.

A. D. 1799 20. The manager to the estates of such disqualified proprietor, is to be chosen by the Collector, with due attention to capacity and character, and must be approved by the Board: but without any regard to connexion with the proprietor: managers are to be considered as officers of Government, acting under the Collector. *Beng.* 1799 *R.* 7. § 26. *Ced. Prov.* 1803 *R.* 52. § 12.

A. D. 1800 21. If the Collector, or any person interested in the family welfare, should represent to the Court any objections against the eligibility of the next of kin as guardian to such disqualified proprietor of a joint undivided estate, the Court, if satisfied that the objections are well founded, shall nominate a guardian; reporting the circumstance to the Sudder Dewannee Adaulut. *Beng. Ben.* 1800 *R.* 1. § 1. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 8.

22. Attending to the capacity, character and responsibility of the person selected, and never choosing the next heir or other person interested in outliving the ward. *Beng. Ben.* 1800 *R.* 8. § 2. *Ced Prov.* 1805 *R.* 8. § 29. *C.* 9.

23. The estates of such disqualified proprietors are liable to sale for arrears of revenue. *Beng. Ben.* 1800 *R.* 1. § 6. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 13.

24. Sections 23, 24 and 25 of Regulation 8 of 1793 are rescinded; and proprietors of joint undivided estates shall be left to manage their own estates, without interference of the Collector or Board. *Beng.* 1805 *R.* 17. § 2.

DEFENDANTS.

I. *IN THE ORDINARY JURISDICTION OF COURTS.*

A. D. 1763 1. No answer to a complaint shall be received, except from the defendant, or his Vakeel duly empowered. *Beng.* 1793 *R.* 4. § 2. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 2.

2. Upon a complaint preferred in a Civil Court, the defendant shall be required by summons to accompany the officer, or give bail to appear, in person, or by Vakeel, on the day fixed; if he do not give bail, he shall be brought before the Court, and, on further refusal or omission to give security, shall be committed to close custody until he give it, or until he perform the decree of the Court. *Beng.* 1793 *R.* 4. § 5. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803. *R.* 3. § 5.

3. Defendants are to give security for pleader's fees. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803. *R.* 10. § 8. *C.* 6.

4. If a defendant, being summoned, shall not appear, the cause may proceed ex parte. *Beng.* 1793 *R.* 4. § 11. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803. *R.* 3. § 13.

5. When a defendant has appeared, the Court shall fix a day for him to give his answer; and may allow a further period if necessary. *Beng.* 1793. *R.* 4. § 5. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 5.

6. And if he refuse to give answer, the plaintiff may proceed against him to a trial ex parte. *Beng.* 1793 *R.* 4. § 11. ext. *Ben.* 1795. *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 13.

7. Or may institute a suit against his sureties. *Beng.* 1793 *R.* 4. § 12. ext. *Ben.* 1795. *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 14.

8. When the plaintiff has replied, the defendant shall rejoin on the same day; or, if he neglect or refuse to do so, the Register shall rejoin for him. *Beng.* 1793 *R.* 4. § 5. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 5.

9. If a defendant shall avoid service of the process against him, a writing in the native language shall be fixed up in the Court-room, and on the door of his usual dwelling, or in the village where he usually resided, requiring him to appear on a specified day (not less distant than fifteen); and if he shall not appear accordingly, the cause shall be tried ex parte. *Beng.* 1793 *R.* 4. § 11. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 13.

10. Defendants in close custody, unless committed for disobedience to an order of Court, shall be maintained by the plaintiff at an allowance of not more than four Annas, nor less than one per diem, as may be fixed by the Court, to be paid in advance on the Nazir's monthly receipt; and will be discharged on nonpayment of subsistence by the plaintiff during one month after notice given. *Beng.* 1793 *R.* 4. § 8. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 10.

11. If the whole of a plaintiff's claim be decreed to him, the defendant shall pay the whole of the fee to the plaintiff's pleader with all other costs; if only part of the claim,

a proportionate

A. D. 1793 a proportionate part of the fee: if the claim be dismissed, the plaintiff shall pay the fee of the defendant's pleaders, with such other costs as the Court may award to the defendant. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2, *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 6.

12. If a suit be dismissed for default, the defendant shall be allowed equitable costs. *Beng.* 1793 *R.* 4. § 10. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 12.

13 If a suit be withdrawn on Razeenama, the defendant shall recover all costs incurred by him in consequence of the suit. *Beng.* 1793 *R.* 7. § 13 ext. *Ben.* 1795 *R.* 13 § 2 *Ced. Prov.* 1803 *R.* 10. § 12.

14. If the defendant admit the truth of the plaintiff's bill of complaint, judgment shall be given on the allegations of the plaintiff only. *Beng.* 1793 *R* 4. § 11 ext. *Ben.* 1795 *R* 8 § 2 *Ced Prov.* 1803 *R.* 3 § 13

15. If the defendant in his answer do not object to the plaintiff's valuation of the thing at suit, such valuation shall be taken as correct for determining whether the suit be appealable or not to the Sudder Dewannee Adaulut, and, if he make objections, they shall be inquired into by the Judge, and the Judge's decision thereon shall, in case of appeal, be revised by the Provincial Court. *Beng.* 1793 *R.* 4. § 4 ext. *Ben.* 1795 *R.* 8. § 2 *Ced. Prov* 1803 *R.* 3 § 4.

16 Defendants, in suits referred to native Commissioners acting as referees, are to give the same security for appearing before the Commissioners, as for appearing in Court. *Beng* 1793 *R.* 40. § 9. *C.* 6 ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R* 16 § 7. *C* 6.

Modified 1803 R 49 § 17

17. Commissioners, acting as Munsifs, may require security from defendants, and, in default, may attach personal property equal to the suit till decision *Beng.* 1793 *R.* 40. § 11 *C* 2 ext. *Ben.* 1795 *R.* 31. § 2. *Ced Prov* 1803 *R.* 16. § 9 *C* 2.

18. The number of Commissioners shall be such, as that a defendant be not obliged to go further than five Cos from his residence to answer a suit. *Beng* 1793 *R.* 40. § 5 *C* 2 ext *Ben* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R* 16 § 3 *C.* 4.

19. The defendant's person, if necessary, may be attached in execution of decrees. *Beng* 1793 *R.* 4 § 7. ext. *Ben* 1795 *R.* 8. § 2. *Ced. Prov* 1803 *R* 3. § 9.

20. Commissioners, in their capacity of referees, shall try the cause ex parte, if the defendant do not appear by the prescribed time. *Beng* 1793 *R* 40. § 9. *C.* 8. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R* 16. § 7. *C* 8.

21.

21. Also in their capacity of arbitrators. *Beng.* 1793 *R.* 40. § 10. *C.* 4. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 8. *C.* 4. A. D. 1795

22. And of Munsifs. *Beng.* 1793 *R.* 40. § 12. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 10.

23. When the parties, in a cause before a Court in Benares, are of different religions, the decision is to be governed by the law of the defendant; unless the defendant be neither Hindoo nor Muhamedan, in which case the law of the plaintiff shall be abided by. *Ben.* 1795 *R.* 8. § 3. *C.* 2. A. D. 1795

24. Defendants, in summary suits for rent, are to be summoned to appear without delay with their vouchers. *Beng.* 1795 *R.* 35. § 12. *C.* 1.

25. And made to give security; or, in default thereof, committed to custody, if their absconding be apprehended. *Beng.* 1795 *R.* 35. § 12. *C.* 2.

26. And should they not appear, nor show good cause, the Judge shall proceed on the documents of the plaintiff. *Beng.* 1795 *R.* 35. § 13. *C.* 2.

27. Defendants, discharged from such summary suit, shall be allowed their costs and charges. *Beng.* 1795 *R.* 35. § 16.

28. Defendants, against whom judgment is given on a summary suit for rent, shall be committed to close custody, until payment, or till discharged by the result of a regular suit. *Beng.* 1795 *R.* 35. § 13. *C.* 1.

29. Such defendants, paying the demand to avoid process, or the judgment to avoid confinement, may on a regular suit recover back the amount, with interest, costs and damages, if proved to be not due. *Beng.* 1795 *R.* 35. § 19.

30. And proving on a regular suit, while in confinement, that the demand is not due, shall be allowed costs and heavy damages. *Beng.* 1795 *R.* 35. § 18.

31. A specified form of bond is prescribed for the security required from the defendants in civil suits. *Beng. Ben.* 1797 *R.* 11. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 3. § 29. A. D. 1797

32. Defendants, on summary suits for rent, may be arrested, if their absconding be apprehended. *Beng.* 1799 *R.* 7. § 15. *C.* 1. *Ben.* 1800 *R.* 5. § 14. *C.* 1. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 1. A. D. 1799

33. If arrested on petition to the native Commissioner, they shall be sent in twenty-four hours to the Judge, under pain of dismission and prosecution for false imprisonment, except detained on written application of the defendant with the written assent of the plaintiff. *Beng.* 1799 *R.* 7. § 15. *C.* 2. *Ben.* 1800 *R.* 5. § 14. *C.* 2. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 2.

A. D. 1799 34. And if arrested on petition to the Judge, they shall be brought in twenty-four hours to the Judge; unless on discharge of the claim, or on similar application and assent. *Beng.* 1799 *R.* 7. § 15. *C.* 3. *Ben.* 1800 *R.* 5. § 14. *C.* 3. *Ced. Prov.* 1803 *R.* 28. § 32 *C.* 3.

35. And when brought before the Court, shall be made to give answer. *Beng.* 1799 *R.* 7. § 15. *C.* 4. *Ben.* 1800 *R.* 5. § 14. *C.* 4. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 4.

36. If judgment be given in favour of such defendants, they shall be released with costs and damages; if judgment be given against them, they are to be kept in close custody, till payment or till discharged by the plaintiff. *Beng.* 1799 *R.* 7. § 15. *C.* 5. *Ben.* 1800 *R.* 5. § 14. *C.* 5. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 5.

37. But they may bring a regular suit to dispute the claim; and shall, if judgment be in their favour, recover costs and damages if in confinement, or whatever they may have paid to avoid arrest or confinement with interest. *Beng.* 1799 *R.* 7. § 16. *Ben.* 1800 *R.* 5. § 15. *Ced. Prov.* 1803 *R.* 28. § 33.

38. Such defendants, while in custody, are to be maintained by the plaintiff. *Beng.* 1799 *R.* 7. § 15. *C.* 5. *Ben.* 1800 *R.* 5. § 14. *C.* 5. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 5.

A. D. 1801 39. Defendants shall not be liable to prosecution for subornation of perjury, unless committed, under Section 14, Regulation 4 of 1793, by the Judge who tried the cause. *Beng. Ben.* 1801 *R.* 3. § 2.

A. D. 1802 40. The security for a defendant's appearance shall be fixed, in the discretion of the Judge, whatever be the amount of the plaintiff's claim; but further security may be required, if the first security should appear insufficient. *Beng. Ben.* 1802 *R.* 3. § 2. *Ced. Prov.* 1803 *R.* 14. § 8.

41. If a pauper plaintiff be not able to pay the fees of the defendant's pleader, the Court may levy from the defendant such part only of the fee as may appear an adequate compensation to the pleader; leaving the surplus to be recovered from the plaintiff; and the same rule is to be applied, whenever it may be necessary to levy from the defendant his pleader's fees in consequence of the plaintiff's inability, and the eventual irresponsibility of his surety. *Beng. Ben.* 1802 *R.* 3. § 3. *Ced. Prov.* 1803 *R.* 10. § 35.

A. D. 1803 42. Munsifs are not to require security for the defendant's appearance, specified in Section 11, Regulation 40 of 1793, where the suit does not exceed ten Rupees; except on proof, to be recorded on the proceedings, that the defendant is about to abscond. *Beng. Ben.* 1803 *R.* 49. § 17. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 9. *C.* 3.

43. And with this limitation, the same power is vested in referees and arbitrators, whenever the Judge may leave it to them to take security from the defendant, instead of issuing a process from the Court under Clause 6, Section 9, Regulation 40 of 1793. *Beng. Ben.* 1803 *R.* 49 § 17. *C.* 2. *Ced. Prov.* 1809 *R.* 16. § 7. *C.* 6. A. D. 1809

44. But process on defendants, in suits referred to a head Commissioner, must issue from the Zilla Court. *Beng. Ben.* 1803 *R.* 49. § 19.

45. The number and local jurisdiction of Munsifs, to be fixed in Benares by the Sudder Dewannee Adaulut, shall be such, where circumstances will admit, that no defendant shall be obliged to proceed further than five Coss to answer a suit. *Ben.* 1803 *R.* 49. § 14. *C.* 5.

46. Instead of a summons, a notice only is to be issued on the defendant, containing a short statement of the demand, and requiring him to appear, in person or by Vakeel, and deliver an answer on a specified day. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 2. *C.* 1. A. D. 1806

47. Such notice is to be served on any accredited Agent of the defendant, at the station of the Court, empowered and willing to receive such notice and to give an acknowledgment for it. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 2. *C.* 2.

48. Otherwise, it shall be served, through the Nazir, by one Peon, on the party if within the Court's jurisdiction; or on his agent, if the party be absent; or on the person in charge of the property, to which the suit relates; or shall be transmitted for service, as above, to the Judge of any other Zilla, in which the party resides: and the person, on whom it may be served, shall be merely required to endorse his acknowledgment on it. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 2. *C.* 3.

49. If the defendant shall avoid service of the notice, publication shall be made for his appearance; and, should he not then appear, or, if a defendant, served with the notice, shall not appear or give answer, the plaintiff may proceed against him ex parte. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 3.

50. No security shall be required from a defendant, unless deemed necessary by the Court: but, on proof of the defendant intending to abscond, the Court may issue originally, or at any subsequent time, the usual process requiring security for his appearance. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 4.

51. And on proof of the defendant intending to dispose of, or remove, his property, may call for Malzaminee security in a sum deemed sufficient; and, on failure thereof, may attach property to the amount of the suit. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 5. *C.* 1.

52. Such attachment shall be made by publication on the spot; and all subsequent private alienations of the property shall be void; and any removal of the property shall

be

A. D. 1806 be punished as resistance to process: but the defendant shall not be removed, without special cause to be recorded, from the possession and management of the property; except considerable landed property, which may be attached through the Collector. *Beng. Ben., Ced. Prov.* 1806 *R.* 2. § 5 *C.* 2.

53. The attachment shall be withdrawn, on subsequent delivery of sufficient Malzaminee, previous to the decision of the suit. *Beng. Ben. Ced Prov.* 1806 *R.* 2. § 6.

54. A deposite of money or of Government securities shall be accepted, if tendered in lieu of security. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 8.

55. Native Commissioners are to issue merely a notice to defendants in the mode prescribed by Section 2 of this Regulation; and shall not require security, except on proof, that the defendant is about to abscond; and the Judge or Register, when they issue process in suits referred to a Commissioner, shall issue such as are prescribed by this Regulation. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 9.

56. The Civil Courts are not competent to provide in their decrees, or subsequent to the decree, for the payment of the sum decreed by instalments, where property of the defendant or of his sureties is forthcoming; unless consented to by the plaintiff: and except a short postponement of the sale of property be deemed equitable. But, when no property can be pointed out, the Court may accept of an engagement with security for the payment by instalments without interest; and the defendant, if in custody, shall be discharged; and shall not be liable to further arrest on the same judgment, except for failure of his engagement. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 10.

57. If defendants, or their sureties, confined in execution, shall deliver to the Court, on oath, a statement of all property real and personal belonging to them, whether held in their own name or in any other name, or jointly with any other person, and the Court shall be satisfied by an inquiry into the truth of the statement, and into the validity of the objections thereto, that the parties have no other means, the Court may release such insolvent debtors and their sureties, with or without security for their appearance, after selling such property or any part thereof, which the Court may deem proper: but such parties may be again arrested on the proof of fraudulent concealment; and any other property, subsequently possessed by them, may be also brought to sale: and all proceedings in such cases are open to revision by the Superior Courts. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 11.

58. The subsistence money to defendants in confinement is to be recovered, with the other costs, from any property forthcoming; but they shall not be detained on this account. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 12.

II. In

II. *IN PRIVILEGED CASES.*

1. The ſummons on defendants belonging to the Commercial Department are to be tranſmitted in a ſealed cover to the Agent; who may himſelf execute, or cauſe to be executed, ſecurity for them, or may vouch the ſecurity furniſhed by themſelves, or ſhall cauſe them to appear in perſon before the Court. *Beng.* 1793 *R.* 31. § 10. *C.* 1. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 1. ext. *Ben.* 1805 *R.* 4. § 2. A. D. 1[illegible]

2. The ſame for defendants in the Salt Department from Katic to Aſarh. *Beng.* 1793 *R.* 29. § 20. *C.* 1.

3. Or the ſummons may be tranſmitted to any of the perſons empowered by the Agent to execute ſecurities: and ſuch perſon ſhall proceed as above. *Beng.* 1793 *R.* 31. § 10. *C.* 2. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 2. ext. *Ben.* 1805 *R.* 4. § 2.

4. The ſame for defendants in the Salt Department from Katic to Aſarh. *Beng.* 1793 *R.* 29. § 20. *C.* 2.

5. And, if a ſummons ſhould inadvertently iſſue in the uſual mode againſt ſuch a defendant, the officer, on learning that the defendant is in the Company's employ, ſhall carry the ſummons to the neareſt perſon empowered to execute ſecurities; and, if he doubt the information, or apprehend the eſcape of the defendant, ſhall carry the defendant alſo. *Beng.* 1793 *R.* 31. § 10. *C.* 3. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 3. ext. *Ben.* 1805 *R.* 4. § 2.

6. The ſame for a defendant in the Salt Department from Katic to Aſarh. *Beng.* 1793 *R.* 29. § 20. *C.* 3.

7. But Judges may, in particular caſes when deemed neceſſary, order proceſs on ſuch defendants to be ſerved in the uſual mode; recording the ſpecial order on the ſummons, and uſing this diſcretion with caution. *Beng.* 1793 *R.* 31. § 10. *C.* 10. *Ced. Prov.* 1803 *R.* 37. 10. *C.* 10. ext. *Ben.* 1805 *R.* 4. § 2.

8. The ſame in the caſe of defendants in the Salt Department from Katic to Aſarh. *Beng.* 1793 *R.* 29. § 20. *C.* 10.

9. When Collectors of Revenue are defendants, the proceſs is to be tranſmitted to them, in a ſealed cover, by the Regiſter of the Court. *Beng.* 1793 *R.* 14. § 38. *Ben.* 1795 *R.* 6. § 44. *Ced. Prov.* 1803 *R.* 27. § 41.

10. The ſame in the caſe of ſalt Agents and their Aſſiſtants. *Beng.* 1793 *R.* 29. § 23.

11. And Commercial Reſidents. *Beng.* 1793 *R.* 31. § 19. *Ced. Prov.* 1803 *R.* 37. § 19. ext. *Ben.* 1805 *R.* 4. § 2.

A. D. 1793 12. And ministerial officers of the Civil Courts, being Company's covenanted servants. *Beng.* 1793 *R.* 13. § 9. *C.* 10. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 10.

13. Security is not to be required from Collectors of Revenue, when defendants, except in suits for which they are personally responsible. *Beng.* 1793 *R.* 14. § 36. *Ben.* 1795 *R.* 6. § 42. *Ced. Prov.* 1803 *R.* 27. § 39.

14. Nor from salt Agents, their Assistants or head officers of Arungs. *Beng.* 1793 *R.* 29. § 28.

15. Nor from Commercial Residents, or head officers of Arungs. 1793 *R.* 31. § 22. *Ced. Prov.* 1803 *R.* 37. § 22. ext. *Ben.* 1805 *R.* 4. § 2.

16. No compulsory process shall be served on a female defendant of such a rank or quality, as would make it improper to compel her appearance in Court: the summons is to be served on her Dewan or principal servant; and, if he avoid service of the process, the Court shall proceed in the same manner as against an absconding defendant. *Beng.* 1793 *R.* 4. § 13. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 15.

17. If the defendant should be a servant or relation of the Nazim, the parties shall be referred for justice to the Nazim in case both parties be of the same description, and may be referred, or tried in the ordinary course, according to the Court's discretion, in case the defendant only should be a servant of the Nazim; but shall be tried in course, if either party prefer it. *Beng.* 1793 *R.* 16. § 10.

18. The Commissioners of law suits are not empowered to require security from females of rank, as defendants. *Beng.* 1793 *R.* 40. § 11. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 9. *C.* 5.

Modified 1801 R. 9 § 3 19. The persons of the Company's weavers are not liable in execution of decrees. *Beng.* 1793 *R.* 31. § 12. *Ced. Prov.* 1803 *R.* 37. § 12. *C.* 1. ext. *Ben.* 1805 *R.* 4. § 2.

20. Nor the persons of Molungees during the manufacturing season. *Beng.* 1793 *R.* 29. § 21.

A. D. 1795 21. When the Raja of Benares, or one of his relations, or one of the Nowputee Mehajuns, is defendant, the Court shall merely issue a notice to him with a short abstract of the complaint, and fixing a day for him to appear and answer: no security is to be required of those persons, for the action, unless they forfeit the privilege by not giving answer on the first notice. *Ben.* 1795 *R.* 8. § 10.

22. Nor security for pleader's fees. *Ben.* 1795 *R.* 13. § 2.

23. Security is not to be demanded from Collectors of Customs as defendants. *Beng.* 1795 *R.* 39. § 28. ext. *Ben* 1801 *R.* 10. § 29. *Ced. Prov.* 1804 *R.* 11. § 47.

24.

24. Processes on them are to be sent in a sealed cover by the Register of the Court. *Beng.* 1795 *R.* 39. § 25. ext. *Ben.* 1801 *R.* 10. § 29. *Ced. Prov.* 1804 *R.* 11. § 44.

25. Guardians of disqualified landholders, sued jointly with their wards, are not to give security. *Beng.* 1795 *R.* 55. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 7.

26. Summons on defendants, if belonging to Salt Chokees, are to be sent, with a copy of the complaint, in a sealed cover, to the officer under whose superintendence they are employed; who shall cause them to appear before the Court. *Beng. Ben.* 1798 *R.* 8. § 3. A. D. 1798

27. And when their persons are attached in execution, previous notice, before their removal, is to be given to the said officers. *Beng. Ben.* 1798 *R.* 4. § 9.

28. But Judges may, in particular cases, order the summons to be served in the usual mode; recording the special order on the summons, and using this discretion with caution. *Beng. Ben.* 1798 *R.* 5. § 8.

29. Security is not to be required from opium Agents, or head officers of Kotees, when defendants. *Beng. Ben.* 1799 *R.* 6. § 33. A. D. 1799

30. Process on the Agent is to be sent in a sealed cover by the Register of the Court. *Beng. Ben.* 1799 *R.* 6. § 30.

31. The person of a weaver in the Company's employ is not protected from arrest in execution of a decree in favour of a private person, if all demands of the Company have been satisfied and no new advances taken. *Beng.* 1801 *R.* 9. § 3. *Ced. Prov.* 1803 *R.* 37. § 12. *C.* 2. A. D. 1801

32. If a defendant be a relation or dependant of the Nuwab of Furrokhabad, the suit shall, in the first instance, be referred to the Nuwab; and, in the event of the complainant not receiving speedy justice, or being dissatisfied with the Nuwab's decision, it shall be decided in the Adaulut. *Ced. Prov.* 1803 *R.* 2. § 8. A. D. 1803

DEMISE.

I. *OF PUBLIC OFFICERS.*

1. In case of the death of a Collector, the senior Assistant on the spot is to perform his duties; and shall be obeyed by the public officers. *Beng.* 1793 *R.* 2. § 14. *Ben.* 1795 *R.* 5. § 14. *Ced. Prov.* 1803 *R.* 25. § 13. A. D. 1793

2. In case of the death of a Collector, the successor is to carry on all unfinished suits and appeals, in which the former Collector was engaged under orders of the Board of Revenue. *Beng.* 1793 *R.* 14. § 42. *Ben.* 1795 *R.* 6. § 48. *Ced. Prov.* 1803 *R.* 27. § 43.

A. D. 1793 3. Vacancy in a law office of a Court of Judicature by death is to be reported to the Governor General in Council with the recommendation of a qualified successor. *Beng.* 1793 *R.* 12. § 9. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 9.

4. Vacancy of the office of a Pergunna Cazee shall be reported to the Governor General in Council, with the recommendation of a proper successor. *Beng.* 1793 *R.* 39. § 4. ext. *Ben.* 1795 *R.* 49 § 3. *Ced. Prov.* 1803 *R.* 46. § 4.

5. On the death of a Pergunna Cazee, the papers of his office shall be delivered to the successor. *Beng.* 1793 *R.* 39. § 7. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 7.

6. On the death of a native Commissioner of lawsuits, the Judge shall nominate a successor for the approbation of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 40. § 27. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 25.

7. On the death of a pleader in a Civil Court, previous to the decision of the suit, neither he, nor his heir, will be entitled to any fee on account of such suit. *Beng.* 1793 *R.* 7. § 10. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 9.

A. D. 1794 8. If a judge should die on circuit, the Governor General in Council will make such provision for the case, as may appear advisable. *Beng.* 1794 *R.* 7. § 8. *C.* 2. ext *Ben.* 1795 *R.* 16. § 18. *Ced. Prov.* 1803 *R.* 7. § 14.

9. On the death of a native officer in charge of public money or accounts, his surety is exonerated from all responsibility; and the Collector is to proceed against his heirs for any claims of Government on the deceased. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 3.

10. In case of the death of a circuit law officer, the Court may employ the Muhamedan law officer of the Zilla or City, for which the jail delivery is held. *Beng.* 1794 *R.* 7. § 14. ext. *Ben.* (and declared to be there applicable to the Pundits) 1795 *R.* 16. § 21. *Ced. Prov.* 1803 *R.* 7. § 24.

A. D. 1796 11. If from death, the office of Judge and Magistrate devolve to the senior Assistant, without any provision having been made by Government, he shall report it to Government; and, till receipt of orders, exercise only such part of the powers, as may be indispensable for executing processes of the Superior Courts, for preserving the peace of the district, or for such cases as will not admit of delay. *Beng. Ben.* 1796 *R.* 4. § 5. *Ced. Prov.* 1803 *R.* 12. § 15.

A. D. 1797 12. In case of the death of a Circuit Judge, the earliest notice is to be communicated to Government. *Beng. Ben.* 1797 *R.* 3. § 6. *Ced. Prov.* 1803 *R.* 7. § 14.

[illegible]

provision [illegible] by Government [illegible] 4. § 4. *Cod. Prov.* 1803 *R.* [illegible] § 4.

14. Where an Affistant Judge has been appointed, the Governor General in Council will, in his discretion, delegate the authority to the Affistant Judge, or [illegible] person, in case of the Judge and Magistrate's absence, and the Affistant Judge, if [illegible] in service to the Register, shall take temporary charge, under Section 5. Regulation [illegible] of 1796; and report to Government. *Beng. Ben.* 1803 *R.* 40 § 5. *Cod. Prov.* 1805 *R.* 8. § 12. *C.* 10.

15. Report of the death of a native head officer of any department in the employ of Government is to be made to the Governor General in Council through the usual channel of correspondence. *Beng. Ben. Cod. Prov.* 1804 *R.* 5. § 7.

16. With the nomination of a qualified successor, detailing his qualifications. *Beng. Ben. Cod. Prov.* 1804 *R.* 5. § 9.

17. Report of the death of any other native officer receiving a monthly salary of ten Rupees or upwards, in the Judicial, Revenue or Commercial Departments, is to be made to the Sudder Dewannee or Nizamut Adaulut, or the Board of Revenue or Trade, respectively. *Beng. Ben Cod. Prov.* 1804 *R.* 5. § 16.

18. With the nomination of a qualified successor, detailing his qualifications. *Beng. Ben Cod. Prov.* 1804 *R.* 5. § 18.

19. The death of the Sirdar Payiks in Cuttack is to be reported by the Magistrate to the Nizamut Adaulut, for the orders of that Court under Regulation 5 of 1804; and, on the death of the inferior Payiks, the vacancy is to be supplied by the Sirdar Payiks. *Beng.* 1805 *R.* 13. § 5.

20. On the death of a native Agent for the sale of stampt paper, the officer, who granted him a Sunnud, shall be careful to recal and cancel it. *Beng. Ben. Cod. Prov.* 1806 *R.* 13. § 5.

II. OF PUBLIC PENSIONERS.

1. On the death of any person now entitled to a pension, it shall not be continued to his heirs without the sanction of the Governor General in Council, whether the grant be hereditary or otherwise. *Beng.* 1793 *R.* 24. § 4.

2. The Pensioner Cause is to report to the Collector the death of any public pensioner, the payment of whose allowance may be intrusted to him, under pain of dismission from office, on proof, to the satisfaction of Government, of his omitting to

any

A. D. 1798 any person not entitled thereto the allowance of a deceased pensioner, with whose death he was acquainted. *Beng.* 1798 *R.* 24. § 15. *Ben.* 1795 *R.* 34. § 14. *Ced. Prov.* 1803 *R.* 24. § 14. *C.* 1.

Re-enacted 1804 R. 1 § 8 3. After the death of an invalided Sepoy Jageerdar, his Jageer shall devolve to his heirs. *Beng.* 1793 *R.* 43. § 5. *C.* 4.

ditto 4. Who shall hold it for the first five years on paying one tenth of the produce as Malikana to the Zemindar. *Beng.* 1793 *R.* 43 § 5. *C.* 5.

Modified 5. And after five years on paying in perpetuity two thirds of the rent payable from similar land in the same district. *Beng.* 1793 *R.* 4. § 5. *C.* 6.

ditto 6. Or may dispose of it to any other invalid, subject to the same rules. *Beng.* 1793 *R.* 43. § 5 *C.* 9.

Modified 1795 R. 56 § 2. Re-enacted 1804 R. 1. § 9 7. But, if he die within seven years from the date of his being put in possession of his Jageer, his heir shall hold it rent-free, until the expiration of those seven years. *Beng.* 1798 *R.* 43. § 5. *C.* 7.

ditto 8. If he die without heirs, the Jageer, unless taken by an invalid newly placed upon the establishment, shall revert to the Zemindar. *Beng* 1793 *R* 43. § 5. *C.* 8

ditto 9. Or if he die without heirs and intestate, after the officers have been withdrawn from the T'hana, the Jageer shall devolve to the Zemindar. *Beng.* 1793 *R.* 43. § 5. *C.* 18.

Re enacted 1804 R. 1 § 16 10 Such Jageers are not liable, after the death of the invalid, for any debts contracted by him. *Beng* 1793 *R.* 43. § 27.

11. Upon the death of an invalid who may retire under the rules of 18th February 1789, his heirs are to hold the land granted to him on a Mokururee rent to be fixed by the Collector. *Beng* 1793 *R.* 43. § 33. *C.* 9 *Ben* 1795 *R.* 43 § 2. *C.* 7.

12. But, if the invalid die within five years from the date of his grant, his heir shall hold the land rent-free till the expiration of those five years. *Beng.* 1793 *R.* 43. § 33. *C.* 11. *Ben.* 1795 *R.* 43. § 2. *C.* 9.

A. D. 1795 13. The pensions in Benares, sanctioned in 1781 for resumed Ayma or other land, are not liable to resumption on the death of the persons who now receive them. *Ben.* 1795 *R.* 34 § 2. *Ced. Prov.* 1803 *R.* 24. § 2.

14. But the pensions granted in 1781 to dispossessed landholders, whom it was intended to reinstate, are not to be continued to heirs, without the sanction of Government. *Ben.* 1795 *R.* 34. § 3.

15. The Collector of Benares is to report to the Board [illegible] public pensioners, with all circumstances of the grants, and the Board [illegible] date, with their sentiments, to the Governor General in Council, for [illegible] 1795 R. 34. § 4.

16. And on the death of any person receiving a pension from the [illegible] Collector shall report to the Board the demise with a recommendation of a [illegible] subject; and the Board shall submit the recommendation with their sentiments, to the Governor General in Council. *Ben.* 1795 R. 34. § 5.

17. If an invalided Sepoy Jageerdar die within ten years from the date of his being put in possession of his Jageer, his heir shall hold it rent-free till the expiration of the said ten years. *Beng.* 1795 R. 56. § 2. C. 1.

18. And if he die subsequent to the expiration of seven years, and before the expiration of ten years, Government will indemnify the Zemindar for the [illegible] which would have been receivable by him. *Beng.* 1795 R. 56 § 2 C. 2.

19 Pensions, granted by the late Government in the Ceded Provinces, in indemnification for resumed Altumgha, Ayma, or other land held by Zemindars in perpetuity, are not resumable on the death of the persons who now receive them. *Ced. Prov.* 1803 R. 24. § 2.

20. But the continuance or discontinuance of all other pensions, after the death of the persons now receiving them, is to depend on the pleasure of Government. *Ced. Prov.* 1803 R. 24. § 16.

21. After the death of an invalided Sepoy Jageerdar, his Jageer shall devolve to his heirs. *Beng.* 1804 R. 1. § 9. C. 4.

22. Who shall hold it for the first five years, on paying one tenth of the produce as Malikana to the Zemindar. *Beng.* 1804 R. 1. § 9. C. 5.

23. And, after five years, on paying in perpetuity two fifths of the produce. *Beng.* 1804 R. 1. § 9. C. 6.

24. Or may dispose of it to any other invalid, subject to the same rules. *Beng.* 1804 R. 1. § 9. C. 9.

25. But, if he die within seven years from the date of his being put in possession of his Jageer, his heir shall hold it rent-free until the expiration of [illegible] years. *Beng.* 1804 R. 1. § 9. C. 7.

26. If he [illegible] the [illegible] newly placed upon the [illegible] § 9. C. 8.

A. D. 1804 27. But if he die without heirs and intestate, after the officers of Government shall have been withdrawn from the Thana, the Jageer shall devolve to the Zemindar. *Beng.* 1804 *R.* 1. § 9. *C.* 16.

28. Such Jageers are not liable after the death of the invalid for any debts contracted by him. *Beng.* 1804 *R.* 1. § 16.

A. D. 1805 29. Pensions in Cuttack, after the death of the grantees, are to descend to heirs or revert to Government, as shall appear proper to the Governor General in Council, on consideration of the terms of the grant and circumstances of the case. *Beng.* 1805 *R.* 12. § 30.

A. D. 1806 30. On the death of a pensioner, the Board of Revenue shall determine, on the report of the Collector, whether the pension should be continued to the heirs of the deceased. But for all sums exceeding 100 Rupees per annum, a reference is to be made to the Governor General in Council for his orders. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 7.

31. The Collector shall discontinue the pension of any pensioner whom he shall ascertain to have died; until it be determined whether the pension shall be continued to the heirs, or otherwise. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 8.

32. On the death of a pensioner, if his heirs be desirous of commuting the pension received by him, for a grant of waste land, the Collector shall ascertain and report the land fit to be granted, either in his own Zilla or in that of any other Collector, with the name of the person, to the Board of Revenue. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 10.

DEPUTATIONS.

I. *WHEN TO TAKE PLACE.*

A. D. 1793 1. The Collectors are prohibited deputing any person into another Zilla, except when authorized by a Regulation, or by special orders. *Beng.* 1793 *R.* 2. § 24. *Ced. Prov.* 1803 *R.* 25. § 23.

2. Deputations, ordered by the Board of Revenue, are to be immediately reported to the Governor General in Council, with the grounds for the measure: in cases admitting of it, a time shall be fixed for the performance of the duty; beyond which the person deputed shall receive no allowance, unless the delay be explained to the satisfaction of the Board. 1793 *R.* 2. § 32.

3. If the Board should deem a [illegible] deputation of a member, or of any other person, necessary to form the [illegible] Thana lands, they shall propose the measure, with

with the reasons of it, to the Governor General in Council. *Beng.* 1793 *R.* 2. § 39. *Ben.* 1795 *R.* 5. § 32.

4. No Member of the Board of Revenue shall exercise any separate authority, except in matters specifically committed to his separate charge. 1793 *R.* 2. § 35.

5. The President of the Board may issue, of his own authority, orders regarding any matters committed to his separate charge. 1793 *R.* 2. § 65.

6. For the examination of female witnesses, whose appearance it would be improper to compel in a Court of Justice, the Court shall commission three creditable women sworn to execute the commission faithfully, to examine such witnesses on oath or solemn declaration, upon written interrogatories delivered by the parties or their Vakeels: and, for the examination of witnesses residing out of the Court's jurisdiction, and at a greater distance than fifty Cos, the Court shall commission the Judge of the other Zillah to examine such witnesses on oath or solemn declaration upon written interrogatories similarly delivered *Beng.* 1793 *R* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7

7. The same in regard to the Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 19 ext. *Ben.* 1795 *R* 9 § 6. *Ced Prov.* 1803 *R.* 4. § 19.

8 And the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 17. ext. *Ben.* 1795 *R* 10. § 2. *Ced. Prov.* 1803 *R* 5 § 17.

9. If prosecutors or witnesses, on a trial before a Court of Circuit, be women of the above description, and the case shall admit of their evidence being taken by commission, the Court shall depute persons to take it in the manner prescribed by the Muhamedan law. *Beng.* 1793 *R* 9 § 48. ext. *Ben.* 1795 *R.* 16 § 22. *Ced. Prov.* 1803 R 7. § 16.

10. If a local investigation be deemed proper in cases of dispute regarding lands, houses or their limits, the Court shall appoint an Ameen, who shall be sworn to make a true and faithful report, and not to receive, directly or indirectly, from either party, any fee or gratuity &c The report shall be delivered into Court, in writing subscribed with the Ameen's name, on a certain day to be specified in his commission, and shall be evidence with regard to the matter intrusted to him and no other: the Court may order a reasonable compensation to be paid to the Ameen, and added to the costs payable by the party cast; but shall be careful, that the expenses be not unnecessarily enhanced by delay *Beng.* 1793 *R.* 4. § 17. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R* 3. § 18.

11. The Registers of Civil Courts may, with leave of the Judge, depute a person, being a covenanted servant of the Company, to act for them, during absence or sick-

ness.

A. D. 1793 ness, in charge of the registry of deeds, such deputy being first duly sworn *Beng.* 1793 *R.* 36 § 15. ext. *Ben* 1795 *R.* 28. § 2 *Ced. Prov* 1803 *R.* 17 § 15.

12 When a Collector has occasion to proceed in person, or to depute an officer, to examine village accounts on the spot, the Judge may, on application from the Collector through the Vakeel of Government, grant a commission for swearing the Putwarees. *Beng* 1793 *R.* 8. § 62. *C* 6 *Ben* 1795 *R.* 27 § 9 *C.* 6 *Ced. Prov.* 1803 *R.* 29. § 2. *C* 5.

13. When an arbitration is held at a considerable distance from the Court, the Court may grant a commission to the arbitrators for swearing the witnesses *Beng* 1793 *R.* 16. § 6. ext. *Ben* 1795 *R.* 15 § 2 *Ced. Prov.* 1803 *R.* 21 § 6.

14 Salt Agents shall occasionally depute creditable persons to inspect the places of manufacture, and to report the condition and treatment of the labourers, and the Agents shall redress all complaints transmitted to them by the persons so deputed *Beng.* 1793 *R.* 29 § 14

Modified 1795 R. 45 § 8

15. Distrainers shall deliver to the person whom they depute to attach the property of a defaulter, a writing sealed and signed, specifying the arrear and the date when due, which the person deputed shall produce as his authority, and shall give a copy of it to the defaulter, with an endorsement of the list of the distrained property, the place where lodged, and a notice of sale for the fifteenth day, or, if the defaulter be absent, shall affix a copy at his usual place of residence: if the person deputed should not have the prescribed authority, or not deliver the prescribed notice, the arrear shall be forfeited, and the distrained property or its value restored with costs. *Beng.* 1793 *R.* 17. § 8. *Ben.* 1795 *R* 45. § 8 *Ced. Prov.* 1803 *R.* 28. § 8.

16. When a Collector deems it more expedient, than to commit to the nearest Tehsildar the estate or farm of a landholder or farmer of land confined for default of revenue, he shall depute an Ameen, with a proper establishment of officers, to collect the rents of the defaulter's estate or farm. *Beng* 1793 *R.* 14 § 6.

17. Or the estate of a defaulting landholder ordered to be sold for recovery of arrears of revenue. *Beng.* 1793 *R.* 14. § 25.

18. Or the estate of a defaulting landholder who resists the Collector's process of arrest. *Beng.* 1793 *R* 14. § 15. *Ben.* 1795 *R.* 6. § 22. *Ced. Prov.* 1803 *R.* 27. § 22

19. Or the farm of a defaulting farmer who shall so resist, *Beng.* 1793 *R.* 14. § 19 *Ben.* 1795 *R.* 6 § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

20. The establishment of an Ameen, deputed to attach the land of a defaulting landholder or farmer, shall be transmitted by the Collector to the Board of Revenue, who shall

shall submit it to the Governor General in Council with a recommendation that it be confirmed or altered; and the expense of the deputation when approved, and all other admitted charges attending the deputation, shall be deducted from the collections. *Beng.* 1793 *R.* 14. § 6.

21. The charges of an Ameen deputed to attach the lands of a defaulter are to be deducted from the proceeds of the land, if it be sold for recovery of the arrear. *Beng.* 1793 *R.* 14. § 26. *Ben.* 1795 *R.* 6. § 32. *Ced. Prov.* 1803 *R.* 26. § 5.

22. Or levied from the proprietor, if the sale be countermanded. *Beng.* 1793 *R.* 14. § 44. *Ben.* 1795 *R.* 6. § 50. *Ced. Prov.* 1803 *R.* 27. § 47.

23. The charges of an Ameen deputed to attach the estate of a landholder convicted of resistance to the process of a Collector shall be defrayed from the collections, if the estate be restored. *Beng.* 1793 *R.* 14. § 17. *Ben.* 1795 *R.* 6. § 24. *Ced. Prov.* 1803 *R.* 27. § 24.

24. And from the proceeds of the sale or the collections, if the estate be sold on confirmation of the forfeiture. *Beng.* 1793 *R.* 14. § 18. *Ben.* 1795 *R.* 6. § 25. *Ced. Prov.* 1803 *R.* 27. § 25.

25. And the same, if the farm of a resisting farmer be annulled. *Beng.* 1793 *R.* 14. § 20. *Ben.* 1795 *R.* 6. § 27. *Ced. Prov.* 1803 *R.* 27. § 27.

26. When a Collector confines the surety of a defaulting landholder or farmer of land, he shall similarly depute an Ameen to attach the defaulter's lands. *Beng.* 1793 *R.* 14. § 24. *Ben.* 1795 *R.* 6. § 30. *Ced. Prov.* 1803 *R.* 27. § 30. *C.* 1.

27. If the surety of a defaulting landholder or farmer should not possess landed property in the Zilla, the Collector may depute an Ameen into the Zilla in which the defaulter may have landed property, with a letter to the Collector of that Zilla stating the demand and the property to be attached; and the Collector of such Zilla shall order a Peon to point out the property to the Ameen. *Beng.* 1793 *R.* 14. § 24. *Ben.* 1795 *R.* 6. § 30. *Ced. Prov.* 1803 *R.* 27. § 30. *C.* 1.

28. When lands are to be sold in execution of a decree, the Board of Revenue may, if deemed expedient, order the Collector to attach the lands by deputing an Ameen who shall collect the rents, prevent waste being committed by the proprietor, and furnish any information for adjusting the Jumma. *Beng.* 1793 *R.* 45. § 5. *Ben.* 1795 *R.* 20. § 5. *Ced. Prov.* 1803 *R.* 26. § 19.

29. The expenses of an Ameen deputed to attach land ordered for sale in execution, after being approved by the Board, are to be defrayed from the collections, or from the

proceeds

A. D. 1793. proceeds of the sale. *Beng.* 1793 *R.* 45. § 6. *Ben.* 1795 *R.* 20. § 6. *Ced. Prov.* 1803 *R.* 26. § 20.

30. When an estate shall be ordered to be divided, the Collector is to depute a creditable Ameen with a proper establishment. *Beng.* 1793 *R.* 25. § 12. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 40.

31. The personal allowance and establishment of an Ameen deputed to divide land shall be fixed by the Collector, reporting the amount and particulars to the Board. *Beng.* 1793 *R.* 25. § 12. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 40.

32. The expense is to be defrayed by all the sharers, in the proportions of their respective shares, if they all request a division. *Beng.* 1793 *R.* 25. § 3. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 31.

33. Or by such sharer or sharers, as call for the division. *Beng.* 1793 *R.* 25. § 4. *C.* 1. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 32. *C.* 1.

34. When lands are forfeited for resistance to a Zilla Court, and the decree confirmed, the Court may direct the Collector to depute an Ameen to sequester the estate, and collect the rents, and perform the duties prescribed for other Ameens. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23.

35. For resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23. *C.* 3.

36. Or to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 24.

37. The allowances of an Ameen, and establishment of officers, deputed to attach land declared forfeited for resistance to a Zilla Court, shall be specified in the Court's precept directing the attachment. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23. *C.* 3.

38. And for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23. *C.* 3.

39. And to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 24.

Expired 40. On application of the opium Contractor, within five days after the occurrence of any hail storm, or other calamity of season, the Collector shall depute an Ameen at the expense of the Contractor, to ascertain, in concert with the Contractor's Agents and the Rayats, the extent of the loss. *Beng.* 1793 *R.* 32. § 2. *C.* 18. *Ben.* 1795 *R.* 32. § 2. *C.* 14.

41.

41. At the expiration of the time allowed for the completion of any embankment &c. on advances made to a landholder &c. the Collector may depute a person to the spot to survey the work and to report on the execution *Beng.* 1793 *R.* 33. § 12. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 12. A. D. 1794

42. The Collector is to take security for the personal appearance of Ameens, and may require them to give new securities if he doubt the responsibility of the former securities; the sureties shall bind themselves to be responsible for all demands on such officer, and to be liable to the same process which is issuable against the officer, in the event of not producing him. *Beng.* 1794 *R.* 3 § 15 ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 2.

43. The Collector of Benares may depute his Assistant for occasional local inquiries into the causes of balances and deficiencies of revenue; reporting forthwith such deputation to the Board, and obeying any instructions which they may furnish. *Ben.* 1795 *R.* 5 § 28. A. D. 1795

44. Distrainers may sign only, instead of both signing and sealing, the authority to persons deputed for making the attachment of property. *Beng.* 1795 *R.* 35. § 3. *Ben.* 1795 *R* 45. § 8 *Ced. Prov.* 1803 *R.* 28. § 8.

45 The Collectors are to nominate for the approbation of the Board, the Ameens to be employed in the management of attached lands, with the sureties to be taken for their appearance; and will be held responsible for the utmost regard to their qualifications and characters, and are not to propose a greater establishment of officers and of allowances, than indispensably necessary. *Beng.* 1799 *R.* 7. § 30. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov* 1803 *R.* 26. § 28. A. D. 1799

46. Commissioners of lawsuits shall take, by the deputation prescribed in Section 6, Regulation 4 of 1793, the evidence of women whose rank and cast would make their appearance in public improper. *Beng. Ben.* 1803 *R.* 49. § 18. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 9 *C* 5. A. D. 1803

II. *HOW TO BE EXECUTED.*

1. The Ameen deputed to attach land for arrears of revenue, is to collect, according to the existing engagements whether conformable to Regulation or not; and, where no engagements exist, according to the Pergunna rates; and shall be liable to prosecution by the tenants for infringing the engagements, and by the proprietor or farmer for embezzlements or injuries to the estate. *Beng.* 1793 *R.* 14. § 6. A. D. 1793

2. The Ameen, deputed to attach land in another Zilla, is to perform the same duties, under the same restrictions and penalties; and is to hold the land in attachment un-

 til

A. D. 1793 til the Board of Revenue obtain the sanction of Government to the sale; and is to pay from his collections, after deducting his establishment, the revenues of such lands to the Collector of the Zilla where situated, and appropriate any surplus to the liquidation of the demand for which the attachment was made. *Beng.* 1793 *R.* 14. § 24. *Ben.* 1795 *R.* 6. § 30. *Ced. Prov.* 1803 *R.* 27. § 30. *C.* 2.

3. The Ameen, deputed to divide a landed estate, shall take a prescribed oath before the Collector. *Beng.* 1793 *R.* 25. § 13. *C.* 1. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 41. *C.* 1.

4. And on conviction in the Civil Court of receiving, or allowing any person to receive, any gratuity, shall restore the amount received; pay a fine of three times the value to Government; and be imprisoned till the decree be made good by himself, or from the sale of his property. *Beng.* 1793 *R.* 25. § 13. *C.* 2. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 41. *C.* 2.

5. The Ameen shall receive a commission, under the hand and seal of the Collector, specifying the duty which he is to perform, and a copy of the Regulations for his guidance, and copies of the entries in the registers relating to the estate. *Beng.* 1793 *R.* 26. § 14. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 42.

6. The Ameen, on his arrival on the spot, is to survey the estate, for the purpose of selecting the lands of each sharer in conformity to the rules prescribed. *Beng.* 1793 *R.* 25 § 15. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 43.

7. When the Ameen has completed the division and allotment of the revenue, he is to submit all the papers and documents to the Collector, with such observations as may be necessary for the Collector's information. *Beng.* 1793 *R.* 25. § 18. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 47.

8. If the sharers should agree to make the division themselves, or to refer it to arbitrators, it shall still be made under the inspection of the Ameen; who shall be responsible, that the Regulations are attended to, and shall submit all the documents as above to the Collector. *Beng.* 1793 *R.* 26. § 22. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 52.

9. The proprietor shall produce to the Ameen all accounts which he may require, under penalty of a daily fine till compliance, in the discretion of the Governor General in Council; and shall swear to their truth before the Ameen; or, if entitled to exemption from oath, the Collector may authorize the Ameen to receive the accounts on a solemn declaration to their truth. *Beng.* 1793 *R.* 25. § 16. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 44 and 45.

10. Or if unable or unwilling to attend on the Ameen in person, shall depute a Vakeel duly authorized. *Beng.* 1793 *R.* 25. § 27. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 56.

11. And shall, under the like penalty, cause the Putwarees to attend the Ameen to explain the accounts and furnish any information which he may require. *Beng.* 1793 *R.* 25. § 17. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 46.

12. If the lands under division be held Khas, or let in farm, the native officer in charge, or the farmer, shall, on requisition from the Ameen, produce the accounts. *Beng.* 1793 *R.* 25. § 29. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 59.

13. The Ameen, deputed to attach land for sale in execution, shall collect according to the existing engagements whether conformable to the Regulations or not, and according to the Pergunna rates where no engagements exist; and shall be liable to prosecution by the tenants for infringing the engagements, and by the proprietor for embezzlements and injuries to the estate. *Beng.* 1793 *R.* 45. § 7. *Ben.* 1795 *R.* 26. § 7. *Ced. Prov.* 1803 *R.* 26. § 21.

14. The proprietor, (or farmer, if the estate be farmed,) on receipt of a written requisition under the hand and seal of the Collector, shall attend the Ameen in person, or, by leave of the Collector, depute a Vakeel duly empowered, with all necessary accounts, under pain of a daily fine till compliance, in the discretion of the Board, sanctioned by the Governor General in Council. *Beng.* 1793 *R.* 45. § 10. *Ben.* 1795 *R.* 20. § 10. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

15. And shall, under the like penalty, cause the Putwarees and Zemindarry officers to attend the Ameen with necessary accounts and information. *Beng.* 1793 *R.* 45. § 11. *Ben.* 1795 *R.* 20. § 11. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

16. Any resistance to the Ameen shall be punished by the same mode as for resistance to process of the Collector. *Beng.* 1793 *R.* 45. § 9. *Ben.* 1795 *R.* 20. § 9. *Ced. Prov.* 1803 *R.* 26. § 23.

17. Any resistance to the Ameen deputed to attach lands of defaulting landholders and farmers, shall be punished in like manner as resistance to the Collectors. *Beng.* 1794 *R.* 3. § 10. A. D. 1794

18. On the removal or resignation of any deputed officer, the Collector shall give him an acquittance after he shall have delivered up his charge. *Beng.* 1794 *R.* 3. § 15. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 2. *C.* 1.

19. On the death of the officer, his surety is exonerated; and any claim of Government on the deceased must be sued by the Collector against the heirs. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 9.

20.

A. D. 1794 20. If any deputed officer, on written requisition by the Collector, shall not deliver up the money or accounts in his possession by the limited time, the Collector may apprehend him, and the Judge shall detain him in custody till he comply; the Collector may also attach his property, or apply to other Collectors or to Judges of Cities to attach the property if in other Zillas or Cities; and the Board may order the property to be sold. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 3.

21. If such officer shall abscond, the Collector may proceed against his surety, or may apprehend the officer if within the limits of the Zilla; and if he should be out of the Zilla, and the Collector should deem his attendance necessary, he shall apply to the Judge to cause him to be seized by any other Judge in whose Zilla or City he may have taken refuge. *Beng.* 1794 *R.* 3. § 17. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 4.

22. If an adjustment of accounts be wanted, and such officer shall not attend after being required by a notice affixed in the Cuchery and at his last residence in the Zilla, the Collector shall prepare such statement as he is able of the money and papers in his possession, and proceed against the surety; or he may apprehend the officer, or apply for his apprehension; and, though upon subsequent inquiry in Court no money or papers should be proved against such officer, he shall not be entitled to damages. *Beng.* 1794 *R.* 3. § 18. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 5.

23. Such officer, if apprehended, may be released on giving further security to sue the Collector in fifteen days contesting the demand; and any property which may have been attached, if not sold, shall be released. *Beng.* 1794 *R.* 3. § 19. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 6.

24. Or he may, while in confinement, sue the Collector. *Beng.* 1794 *R.* 3. § 20. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 7.

25. Who is to appoint a Vakeel of the Court to defend such suits, under the rules of Regulation 14 of 1793. *Beng.* 1794 *R.* 3. § 21. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 8.

26. Which are also applicable to suits brought by the Collector against the heirs of a deceased officer. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 3.

A. D. 1799 27. Ameens in charge of lands attached for default of revenue are to collect the rents according to the Pergunna rates, if the engagements should be evidently collusive or contracted in expectation of the attachment; and shall not give the tenants credit

for

for any anticipated payments, or any payments to the defaulter made after proclamation of the attachment, which is to be made as public as possible throughout the attached lands; unless the attachment were unknown to the party. *Beng.* 1799 *R.* 7. § 23. *C.* 3. *Ben.* 1800 *R.* 5. § 24. *Ced. Prov.* 1803 *R.* 27. § 15. *C.* 4.

28. The Putwarees are to attend the Ameen with their accounts; but the proprietors of small estates, which cannot afford the expense of Putwarees, shall themselves produce the accounts; and proprietors or farmers shall cause the attendance of all their Agents on the Ameen, under penalty of fine in the discretion of the Board, sanctioned by the Governor General in Council, on the report of the Collector, and imprisonment in the discretion of the Governor General in Council. *Beng.* 1799 *R.* 7. § 23. *C.* 4. *Ben.* 1800 *R.* 5. § 25. *Ced. Prov.* 1803 *R.* 27. § 15. *C.* 4.

29. The Ameen, if commissioned and instructed by the Collector, may exercise the same authority, which is vested in the Agents of landholders, for the recovery of the rents of attached lands. *Beng.* 1799 *R.* 7. § 19. *Ben.* 1800 *R.* 5. § 18. *Ced. Prov.* 1803 *R.* 28. § 36.

30. And in any particular case, where he apprehends the absconding of a defaulter or of his surety, may himself arrest them and send them to the Collector. *Beng.* 1799 *R.* 7. § 25.

31. If any sharers in a joint estate impede or oppose the Ameen deputed to make the division, they may be fined in the discretion of the Governor General in Council on the report of the Collector and Board. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 8. *Ced. Prov.* 1803 *R.* 26. § 51. *C.* 3. A. D. 1801

DEYUT.

1. When a prisoner is convicted of murder, the Court of Circuit shall cause reference to be made to the heir of the slain; and if he require Deyut, the Court of Circuit, without passing sentence, shall send the record of the trial to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 52. ext. *Ben.* 1795 *R.* 16. § 22. A. D. 1793 Modified 1797 R. 4 § 8

2. On the reference of such a trial, if a prisoner be declared liable to suffer death by the law in the event of the heir of the slain requiring it, the will of the heir to require Deyut (price of blood), in lieu of Kissas (retaliation), shall not be allowed to operate; but the Nizamut Adaulut, if they approve of the proceedings held on the trial, shall sentence the prisoner to death. *Beng.* 1793 *R.* 9. § 76. ext. *Ben.* 1795 *R.* 16. § 22. Re-enacted 1797 R. 4 § 4.

3. The custom among the hill people of Bhagulpoor, of leaving the option to the heir of the slain to demand pecuniary compensation, in certain cases, for murder, shall not be allowed to operate on trials of prisoners held before the assembly of hill chiefs. *Beng.* 1796 *R.* 1. § 13. *C.* 4. A. D. 1796

A. D. 1797 Modified 1801 R. 8 § 6

4. If on a trial for murder the Futwa should declare Deyut to be the whole or a part of the legal punishment, the Court of Circuit may commute it into such period of imprisonment as may be deemed adequate to the offence; and shall refer the trial to the Nizamut Adaulut, if the imprisonment be for life, or if they disapprove of the Futwa. *Beng. Ben.* 1797 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 2.

5. And the Nizamut Adaulut may pass such final sentence as may appear consonant to justice and conformable to the Muhamedan law with the modifications authorized by the Regulations. *Beng. Ben.* 1797 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 8. § 11.

6. And, if the Futwa declare a prisoner liable to Deyut for any acts other than homicide, the Court of Circuit may similarly commute it into imprisonment, referring to the Nizamut Adaulut sentences of imprisonment for life; and the Nizamut Adaulut may confirm, mitigate or remit the imprisonment. *Beng. Ben.* 1797 *R.* 14. § 4. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 2.

7. The Nizamut Adaulut may require from the Magistrates reports of prisoners confined indefinitely under sentences of the Naib Nazim, or of the Benares native Courts, or of the Courts of Circuit, till payment of Deyut; and may grant such relief as each case may in justice require: individuals, having claims on such prisoners, may prefer them to the Magistrates, who shall report thereon to the Nizamut Adaulut; and the Nizamut Adaulut shall submit the case with their sentiments to the Governor General in Council. *Beng. Ben.* 1797 *R.* 14. § 2.

A. D. 1801

8. The rules of Section 3, Regulation 4 of 1797, respecting Deyut, are not applicable to any sentence of Deyut in case of persons killing one individual in the malicious intention of killing another; nor in that of persons committing a homicide in the deliberate intention of committing an unlawful act. *Beng. Ben.* 1801 *R.* 8. § 6. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 6.

9. In homicides clearly by misadventure in the prosecution of a lawful act, the Court of Circuit shall not sentence the prisoner to imprisonment, or to any other punishment, in lieu of the Deyut awarded by the Futwa. *Beng. Ben.* 1801 *R.* 8. § 6. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 6.

10. The distinction of the Muhamedan law, awarding Deyut, when a person intending to murder one individual accidentally kills another, and in all cases in which any mistake or accident may occur either in the design of the person committing the homicide, or in the act whereby the homicide is committed, is superseded. *Beng. Ben.* 1801 *R.* 8. § 1.

11. In the first case, the law officers shall be required to declare what would have been the punishment if the prisoner had committed the murder intended by him. *Beng. Ben.* 1801 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 2. A. D. 1801.

12. And the same rule is applicable to all other cases, in which the prisoner shall be clearly convicted of having committed the homicide with a murderous intention; or with a deliberate intention of committing any crime, which, if committed, would have rendered him liable to suffer death. *Beng. Ben.* 1801 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 3.

DIFFERENCE OF OPINION.

1. The majority of voices is to decide all cases of difference of opinion in the Board of Revenue. 1793 *R.* 2. § 53. A. D. 1793.

2. When the voices are even, the President is to have a casting vote. 1793 *R.* 2. § 56.

3. The resolution of the majority shall be carried into execution unless the majority agree to postpone it. 1793 *R.* 2. § 57.

4. The majority of voices is to decide all cases of difference of opinion in Courts of Appeal, or Courts of Circuit; and, of two Judges present, the senior is to have a casting vote. *Beng.* 1793 *R.* 47. § 2. ext. *Ben.* 1795 *R.* 25. § 2. *Ced. Prov.* 1803 *R.* 15 § 2. Modified 1797 R. 3 § 7

5. In case of a difference of opinion among the Judges of a Court of Appeal or Circuit regarding a Regulation proposed by the Judge or Magistrate of a Zilla or City, each Judge may record his opinion and propose an amended Regulation. *Beng.* 1793 *R.* 20 § 8. ext. *Ben.* 1795 *R.* 29. § 2. *Ced. Prov.* 1803 *R.* 9. § 8.

6. Or regarding a Regulation proposed by one or more of the Judges of the Court. *Beng.* 1793 *R.* 20. § 11. ext. *Ben.* 1795 *R.* 29. § 2. *Ced. Prov.* 1803 *R.* 9. § 11.

7. In the election of a manager to joint estates, the determination of the majority of proprietors present is to be binding on the remainder and on the absent sharers; or, if the votes be equal, the election shall be determined by the greater interest of the voters; and, if the votes and interest be both equal, the Board of Revenue shall appoint the manager. *Beng.* 1793 *R.* 8. § 23. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 1. Rescinded Beng. 1805 R. 17 § 2

8. The determination of the majority shall be similarly binding on the remainder in agreeing or disagreeing to the proposed Jumma. *Beng.* 1793 *R.* 8. § 26. *Ced. Prov.* 1803 *R.* 52 § 5. *C.* 4.

9. Estates which have no name are to be named by the majority of votes; or by the greater interest, if the votes be equal; or by the Collector, if the votes and interest be

both

A. D. 1793 both equal. *Beng.* 1793 *R.* 48. § 6. *Ben.* 1795 *R.* 19. § 6. *Ced. Prov.* 1803 *R.* 42. § 6.

A. D. 1796 10. Differences of opinion between Zilla and City Judges and Provincial Courts of Appeal, or between Magistrates and Courts of Circuit, on the construction of the Regulations, are to be referred for the decision of the Sudder Dewannee and Nizamut Adauluts respectively: but if the Court of Appeal or Circuit repeat the order notwithstanding the Judge's or Magistrate's objection, he shall obey it. *Beng. Ben.* 1796 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 22. § 2.

11. And the decision of the Sudder Dewannee Adaulut or Nizamut Adaulut shall be final. *Beng. Ben.* 1796 *R.* 10. § 3. *Ced. Prov.* 1803 *R.* 22. § 3.

A. D. 1797 12. In case of a difference of opinion, in an unappealable cause, between the senior Judge of a Court of Appeal, and the Judge who remains at the Sudder station during the Circuit, the senior Judge shall have the casting voice if for confirming the original decree; but, if his opinion be for reversing it, the cause shall lie till the return of the absent Judge from Circuit, and shall then be decided by the majority of voices. *Beng. Ben.* 1797 *R.* 3. § 7. *Ced. Prov.* 1803 *R.* 15. § 7.

A. D. 1801 13. The majority of voices is to decide in the Sudder Dewannee Adaulut; and, if two Judges only be present and differ in opinion, the question shall be postponed till the third Judge shall attend. 1801 *R.* 2. § 6.

14. The same rule is to be observed in differences of opinion between the Judges of the Nizamut Adaulut. 1801 *R.* 2. § 13.

A. D. 1802 15. In the extra Court of Appeal at Dacca formed of the second and third Judges, the second Judge shall have the casting vote under Section 2, Regulation 47 of 1793, subject to the restrictions of Section 7, Regulation 3 of 1797; and, if he be of opinion for altering or reversing a decree in opposition to the third Judge, in an unappealable cause, the cause shall be brought before another Judge or all the Judges: and, in this case, the senior Judge shall have a casting vote. *Beng.* 1802 *R.* 4. § 2.

A. D. 1806 16. The opinion of the majority is to decide all cases of difference of opinion in the assembly of Pundits at the temple of Jugunnaut. *Beng.* 1806 *R.* 4. § 14.

DIRECTORS OF THE EAST INDIA COMPANY.

A. D. 1793 1. The decennial settlement was declared unalterable for ever, provided such continuance should meet with the approbation of the Court of Directors. *Beng.* 1793 *R.* 1. § 2. *R.* 8. § 3.

2. And that Court has empowered the Governor General in Council to declare, that no alteration will be made in the assessment of such settlement; and that the land-

holders,

holders, their heirs, and lawful [illegible] ever. *Beng.* 1793 *R.* 1. § 3.

3. The rules respecting Mokurrere grants made [illegible] by Government, or obtained previously to the Company's accession to the Dewannee, [illegible] confirmation or revocation of the Court of Directors. *Beng.* 1793 *R.* 8. § 17.

4. And respecting Mokurrere grants obtained since the Company's accession to the Dewannee and not sanctioned by Government. *Beng.* 1793 *R.* 8. § 18.

5. If the Court of Directors disapprove of the terms of the opium contract, or make any alterations in the mode of providing the opium, or relinquish the provision of it, the Governor General in Council may annul the contract from the 31st August subsequent to the receipt of such order. *Beng.* 1793 *R.* 32. § 2. *C.* 2. *Ben.* 1795 *R.* 32. § 2. *C.* 2. Regulations

6. Ten copies of the Regulations passed annually, bound up with the index, shall be transmitted to the Court of Directors by the two first ships dispatched after the volumes are completed. *Beng* 1793 *R.* 41. § 12. ext. *Ben.* 1795 *R.* 1. § 4. *Cod. Prov.* 1803 *R.* 1. § 12.

7. The Board of Revenue is to submit to the Governor General in Council a complete set of their proceedings for each month, as soon as practicable after the 30th of the subsequent month, for transmission to the Court of Directors. 1793 *R.* 2. § 64.

8. The proceedings of the Governor General in Council, as trustee of the College funds, shall be transmitted to the Court of Directors. 1800 *R.* 9. § 6. A. D. 180

9. Also every proceeding and act of the Patron and Visitor. 1800 *R.* 9. § 12.

10. And a statement of salaries, appointments and removals, of the College officers, and printed copies of all statutes enacted by the Patron and Visitor. 1800 *R.* 9. § 27.

11. The proceedings of the Sadder Dewannee and Nizamut Adaluts need not be hereafter kept in English for transmission to the Court of Directors. 1801 *R.* 2. § 16. A. D. 18

DISMISSION OF A SUIT.

1. The suit shall be dismissed with costs to the defendant, on proof of any attempt to elude the rules against usury by any device or means whatever. *Beng.* 1793 *R.* 15. § 9. *Cod. Prov.* 1803 *R.* 34. § 8. ext. *Ben.* 1806 *R.* 17. § 2. A. D. 17

2. Or if the plaintiff neglect to proceed in his suit during six weeks, unless he can show satisfactory cause for the neglect, the reason for dismissing or retaining the suit shall be recorded. *Beng.* 1793 *R.* 4. § 16. ext. *Ben.* 1795 *R.* 1. § 2. *Cod. Prov.* 1803 *R.* 3. § 12.

A. D. 1793

3. Also appeals in a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 20. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 21.

4. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 19. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 19.

5. Or if a prior suit for the same cause of action have been instituted in another Court competent to try it: and persons, bringing such suits or any litigious suits, may be fined. *Beng.* 1793 *R.* 3. § 12 ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 9.

6. Or if the suit have been heard and determined by another Court of competent jurisdiction: should the competence of the Court be doubted, the case shall be reported for the orders of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 3. § 16. *Ben.* 1795 *R.* 7. § 10. *Ced. Prov.* 1803 *R.* 2. § 10.

7. Or if the cause of action originated before 19th August 1765, or twelve years before suit commenced; unless proof be given of demand and admission, or of claim preferred to a competent authority within twelve years with satisfactory reason for not having proceeded in it, or of minority or other sufficient cause. *Beng.* 1793 *R.* 3. § 14. *Ben.* (before 1st July 1775) 1795 *R.* 7. § 8 *Ced. Prov.* (before 10th November 1801) 1803 *R.* 2. § 16.

8. Or if proof be not given, on a suit for a bond executed after 28th May 1780, of its execution in presence of two creditable witnesses, or of payment of a valuable consideration. *Beng.* 1793 *R.* 3. § 15. *Ben.* (after 1st July 1795) 1795 *R.* 7. § 9. *Ced. Prov.* (after the promulgation of the Regulation) 1805 *R.* 8. § 6. *C.* 3.

Postponed 1794 R. 2 § 2 R. 4 § 4 Modified 1794 R. 4 § 2

9. Or if the action be on a Pottah issued after the year 1198, which does not consolidate the Assul and Abwab. *Beng.* 1793 *R.* 8. § 61. *Ben.* (after 1204) 1795 *R.* 51. § 6.

Postponed 1794 R. 6 § 2 1795 R. 59 § 2 1799 R. 3 § 2 1803 R. 54 § 2

10. Or an engagement, written or verbal, after 10th April 1794, which stipulates any except Sicca Rupees. *Beng.* 1793 *R.* 35. § 20. *Ced. Prov.* (after 1216) 1803 *R.* 45. § 25.

11. When a suit or appeal is dismissed, the plaintiff or appellant shall pay his own costs, and the fees of the pleaders of both parties, and such costs as the Court may award to the defendant or respondent. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 6.

12. Suits before a native Commissioner shall be dismissed, if the plaintiff do not appear in person or by Vakeel at the limited time. *Beng.* 1793 *R.* 40. § 9. *C.* 7. ext. *Ben.* 1795 *R* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 7.

13.

13. But the Judge, [illegible] or order his Register or the Collector [illegible] 9. C. 9. ext. *Ben.* 1795 R. [illegible] § 2. *Cod.* [illegible]

14. If the suit or appeal of a pauper be dismissed, and he be [illegible] ations, and he do not pay the fees of the pleadings and the costs awarded to the defendant or respondent, he may be committed to civil custody for not more than three months, or his sureties, if they do not produce him, may pay the costs; and he similarly committed for three months; and the costs shall be recoverable from any property which the plaintiff or appellant may be found to possess. *Beng.* 1793 R. 46. § 3. ext. *Ben.* 1795 R. 23. § 2. *Cod. Proc.* 1803 R. 14. § 3. Repealed 1801 R. 3. § 16

15. If an information against a vender of liquors or drugs be dismissed and deemed litigious, the Court shall make the informer pay all charges incurred by the party and equitable damages. *Beng.* 1794 R. 1 § 3. ext. *Ben.* 1795 R. 47. § 9. *Cod. Proc.* 1803 R. 40. § 30. A. D. 1795

16. The Provincial Courts of Appeal are to dismiss all appeals not proceeded in during six weeks, unless satisfactory cause be shown for the omission. *Beng.* 1794 R. 5. § 3.

17. Section 61, Regulation 8 of 1793, is postponed in Zilla Bhaugulpoor, till 1st Aghun 1201. *Beng.* 1794 R. 2. § 2.

18. And in Zilla Nuddea, till the end of 1201; and in Zilla Purnea, till the end of 1200. *Beng.* 1794 R. 4. § 4.

19. And is not applicable to the Behar portion of Zilla Ramghur. 1794 R. 4. § 2.

20. Section 20, Regulation 35 of 1793, is postponed till 10th April 1795. *Beng.* 1794 R. 6. § 2.

21. And again till 10th April 1796. *Beng.* 1796 R. 59. § 2. A. D. 1796

22. Suits and appeals are to be dismissed with costs, if the institution fee be not paid within one month after a publication to that effect; unless the plaintiff or appellant can show sufficient cause for not having paid the fee. *Beng.* 1795 R. 38. § 10. C. 3. ext. *Ben.* 1795 R. 60. § 2.

23. But may be reinstituted on payment of the fee. *Beng.* 1795 R. 38. § 10. C. 3. ext. *Ben.* 1795 R. 60. § 2.

24. If, on a summary suit for rent, it shall appear to the Judge, that the sum demanded, or a sum exceeding 500 Rupees, is excessive, he shall dismiss the claim, and award Re-enacted 1799 R. 2. § 15. C. 5.

A. D. 1795 award to the defendant any loſs and expenſes incurred by the ſuit; leaving the plaintiff to bring a regular ſuit for his demand. *Beng.* 1795 *R.* 35. § 16.

A. D. 1797 25. Appeals, diſmiſſed for nonpayment of fees, ſhall not be reinſtituted after three months from a publication to be made immediately on the receipt of this Regulation. *Beng. Ben.* 1797 *R.* 6. § 11.

A. D. 1798 26. An appeal from a ſummary deciſion for rent or diſpoſſeſſion, on the ground of the irrelevancy of the Regulation to the caſe, ſhall be diſmiſſed with coſts, if the ground of irrelevancy be not eſtabliſhed. *Beng. Ben.* 1798 *R.* 5. § 7.

A. D. 1799 27. Section 20, Regulation 35 of 1793, is poſtponed in Silhet, till 10th April 1798. *Beng.* 1799 *R.* 3. § 2.

28 If, on a ſummary ſuit for rent, it ſhall appear to the Judge, that no arrear is due, or that the demand has been wilfully overſtated, he ſhall diſmiſs the ſuit with full coſts and damages. *Beng.* 1799 *R.* 7. § 15. *C.* 5. *Ben.* 1800 *R.* 5. § 14. *C.* 5. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 5.

29. And the plaintiff may bring a regular ſuit for his demand. *Beng.* 1799 *R* 7. § 17. *Ben.* 1800 *R.* 5. § 16. *Ced. Prov.* 1803 *R.* 28. § 34.

A. D. 1801 Modified 1803 R. 49 § 26 30. When an appeal is diſmiſſed in a Provincial Court, on the ground of ſome default, without inveſtigation of the merits, the Sudder Dewannee Adaulut may admit an appeal from ſuch diſmiſſal, whatever be the amount of the ſuit, and may order the Provincial Court to revive and try it on the merits; but ſhall fine the appellant if ſuch appeal be litigious. *Beng. Ben.* 1801 *R.* 2. § 8. *Ced. Prov.* 1803 *R.* 5. § 10. *C.* 13.

ditto 31. The ſame principle is to be applied by Provincial Courts of Appeal, to appeals diſmiſſed by the Zilla and City Judges. *Beng. Ben.* 1801 *R.* 2. § 9. *Ced. Prov.* 1803 *R.* 4 § 12 *C* 12.

ditto 32. And by Zilla and City Judges, to appeals diſmiſſed by their Regiſters. *Beng. Ben.* 1801 *R.* 2. § 9. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 13.

A. D. 1802 33. When a ſuit or appeal is diſmiſſed, and the plaintiff or appellant is not found to poſſeſs property ſufficient to make good the coſts, and it ſhall become neceſſary, in conſequence of the inſufficiency of the ſureties, to levy from the defendant or reſpondent the fees of his pleader, the Court may levy from him ſuch part only of the fee as may appear an adequate compenſation for the pleader's labour, leaving the remainder to be recovered from any property which may be ſubſequently found belonging to the plaintiff or appellant. *Beng. Ben.* 1802 *R.* 3. § 3. *Ced. Prov.* 1803 *R.* 10. § 35.

34. When the suit or appeal of a pauper is dismissed in a Zilla or City Court and declared groundless and vexatious, the Judge or Register shall immediately carry into execution the rule of commitment whether he appeal from the judgment or not; and, if he appeal to the Provincial Court, and his appeal should be deemed groundless and vexatious, the Provincial Court shall commit him to jail for a period not exceeding six months including the former imprisonment; and the Sudder Dewannee Adaulut, if they deem a pauper's appeal groundless and vexatious, shall commit him to jail for not more than twelve months including his former imprisonment. *Beng. Ben.* 1802 *R.* 3. § 6. *Ced. Prov.* 1803 *R.* 14. § 10. A. D. 1802.

35. The appeal, allowed to a Provincial Court, from the dismission of an appeal by a Zilla or City Judge for default, is not precluded by the rules respecting other appeals. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 5. A. D. 1803.

36. In such appeals, and similar appeals to the Sudder Dewannee Adaulut, no proceedings need be held beyond what may be requisite on consideration of the stated ground for dismissing the previous appeal. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

37. No institution fee shall be levied on such appeals; but, if found litigious, the appellants shall be fined. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 3. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

38. Notice shall be given to the respondent, but without requiring his appearance unless deemed necessary; and, if either party employ a Vakeel, the Court may award him an adequate fee not exceeding one fourth of the fees on a regular suit. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 4. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

39. No security is to be required from either party, except for staying execution. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 5. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

40. Section 20, Regulation 35 of 1793, is postponed in Chittagong till 16th August 1803. *Beng.* 1803 *R.* 54. § 2.

41. The Provincial Courts of Appeal may admit an appeal from any suit dismissed on the ground of some default without investigation of its merits, in a Zilla or City Court, whatever be the amount of it; and all the rules of Section 26, Regulation 49 of 1803, are applicable to such appeals. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 11. A. D. 1805.

DISMISSION OF PUBLIC OFFICERS.

I. *REVENUE DEPARTMENT.*

1. The Dewan of a Collector may be dismissed from office by the Collector, Board of Revenue, or Governor General in Council, for performing any act of authority without A. D. 1793

A. D. 1793 out the Collector's sanction. *Beng.* 1793 *R.* 2. § 9. *Ben.* 1795 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 25. § 8.

2. The Khezanchee of a Collector shall not be removed, but for misconduct or other sufficient cause proved to the satisfaction of the Board of Revenue. *Beng.* 1793 *R.* 2. § 11. *Ced. Prov.* 1803 *R.* 25. § 10.

Modified 1804 R. 6 § 14

3. The removal of all native officers under a Collector, except the Khezanchee and Record-keepers, is vested in the Collector who shall transmit to the Board regular notice of all removals. *Beng.* 1793 *R.* 2. § 13 *Ben.* 1795 *R.* 5. § 13.

4. The manager for the estate of a disqualified landholder is liable to dismission from his trust, if convicted of embezzlement to the satisfaction of the Court of Wards. *Beng.* 1793 *R.* 10. § 10. *Ced. Prov.* 1803 *R.* 52. § 14.

5. Also the officers under the manager. *Beng.* 1793 *R.* 10. § 11. *Ced. Prov.* 1803 *R.* 52. § 15.

6. And the officers under the guardian. *Beng.* 1793 *R.* 10. § 25. *Ced. Prov.* 1803 *R.* 52. § 29.

7. The Governor General in Council will dismiss from office Pergunna Cazees proved guilty of conniving at any unfair practices in the appraisement or sale of distrained property; and the Courts are to report to the Sudder Dewannee Adaulut, for the information of the Governor General in Council, the circumstances of all such cases. *Beng.* 1793 *R.* 17. § 23. *Ben.* 1795 *R.* 45. § 21. *Ced. Prov.* 1803 *R.* 28. § 21.

8. And similarly for purchasing any of the distrained property. *Beng.* 1793 *R.* 17. § 24. *Ben.* 1795 *R.* 45. § 22. *Ced. Prov.* 1803 *R.* 28. § 22.

9. Tehsildars, or any other persons vested by the Judge with authority to sell distrained property, are liable to the same penalty. *Beng.* 1793 *R.* 17. § 29. *Ben.* 1795 *R.* 45. § 27. *C.* 1. *Ced. Prov.* 1803 *R.* 28. § 27. *C.* 1.

10. The native Record-keepers of the Civil and Criminal Courts shall not be removed from office, but for misconduct proved to the satisfaction of the Governor General in Council. *Beng.* 1793 *R.* 18. § 3. ext. *Ben.* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 3.

11. And the native Record-keepers of the Collectors. *Beng.* 1793 *R.* 21. § 3. ext. *Ben.* 1795 *R.* 30. § 2. *Ced. Prov.* 1803 *R.* 23. § 8.

12. Any native officer of a Collector, or of his Assistant, convicted in a Civil Court of having received any money or other property for registering a rent-free grant, shall be adjudged to be dismissed from his office. *Beng.* 1793 *R.* 19. § 45. *R.* 37. § 40. *Ben.* 1795 *R.* 41. § 45. *R.* 42. § 40. *Ced. Prov.* 1803 *R.* 31. § 41. *R.* 36. § 40.

13.

13. Any native servant of a Collector, or of the Assistant, proved similarly guilty, shall be dismissed from, and never again employed in, the Collector's or Assistant's service. *Beng.* 1793 *R.* 19. § 46. *R.* 37. § 41. *Ben.* 1795 *R.* 41. § 46. *R.* 42. § 41. *Ced. Prov.* 1803 *R.* 31. § 42. *R.* 36. § 41. A. D. 1793

14. Pergunna Cazees shall be liable to dismission from office, on being proved guilty, to the satisfaction of the Governor General in Council, of any neglect in respect to the payment of pensions entrusted to them. *Beng.* 1793 *R.* 24. § 15. *Ben.* 1795 *R.* 34. § 12. *Ced. Prov.* (for Tehsildars) 1803 *R.* 24. § 14. *C.* 1.

15. A native officer of a public treasury, convicted in a Civil Court of refusing to receive in payment legal gold money, shall be adjudged to be dismissed from his office. *Beng.* 1793 *R.* 35. § 3.

16. Or legal silver money. *Beng.* 1793 *R.* 35. § 22. *Ced. Prov.* 1803 *R.* 45. § 27.

17. And for receiving illegal money. *Beng.* 1793 *R.* 35. § 23. *Ced. Prov.* 1803 *R.* 45. § 28.

18. Invalided Sepoys are to be struck off the establishment, if absent from their Thanas at the periods of inspection. *Beng.* 1793 *R.* 43. § 30. Re-enacted 1804 R. 1 § 18

19. The Collector of Benares shall report to the Board of Revenue all instances in which he may have cause to complain against the Khezanchee or his Agents; but the Khezanchee is not to be removed without the sanction of the Governor General in Council. *Ben.* 1795 *R.* 5. § 11. A. D. 1795

20. Tehsildars in Benares &c. are liable to be removed from office by the Collector with the sanction of the Board of Revenue. *Ben.* 1795 *R.* 6. § 6. *Ced. Prov.* 1803 *R.* 27. § 6.

21. Tehsildars are to report to the Collector all occasional dismissions of the Peons on their establishment. *Ben.* 1795 *R.* 6. § 4. *Ced. Prov.* 1803 *R.* 27. § 4.

22. Tehsildars or Peons may be dismissed by the Collector, if resistance, by any landholder and farmer, to the Tehsildar's process, shall appear to have arisen from the injustice of the demand or from the misconduct of the Peon; and a separate monthly report of such orders of dismission shall be transmitted to the Board for their orders. *Ben.* 1795 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

23. Invalids are not to be struck off the establishment under Section 30, Regulation 43 of 1793, if absent with leave, or from sickness or other unavoidable cause appearing satisfactory to the Regulating Officer. *Beng.* 1795 *R.* 56. § 3. Re-enacted 1804 R. 1 § 18

24.

A. D. 1797 24. Any Collector, or European or native officer under a Collector, or under the Board of Revenue, who shall attest or furnish, or permit any person to attest, furnish or take copy of, any Revenue paper on unstampt paper, shall be dismissed from office. *Beng. Ben.* 1797 *R.* 6. § 20. *C.* 5.

25. And any Collector, issuing, or permitting to be issued, licenses for liquors or drugs unstampt. *Beng. Ben.* 1797 *R.* 10. § 5. *Ced. Prov.* 1803 *R.* 40. § 27.

A. D. 1799 26. Collectors, if dissatisfied with the conduct of the manager for an estate of a disqualified landholder, shall report the same to the Court of Wards; and propose his removal with the recommendation of a qualified successor. *Beng.* 1799 *R.* 7. § 26. *Ced. Prov.* 1803 *R.* 52. § 12.

27. Commissioners of lawsuits shall be liable to dismission, if they detain, without forwarding him to the Judge, an arrested defaulter on a claim of rent, beyond twenty-four hours, except on the written requisition of the defaulter and written acquiescence of the plaintiff. *Beng.* 1799 *R.* 7. § 15. *C.* 2. *Ben.* 1800 *R.* 5. § 14. *C.* 2. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 2.

28. Special Commissioners for the sale of distrained property are not be deprived of their commissions, while they reside on the spot, without sufficient cause shown to the satisfaction of the Sudder Dewannee Adaulut. *Beng.* 1799 *R.* 7. § 7. *Ben.* 1800 *R.* 5. § 7. *Ced. Prov.* 1803 *R.* 28. § 27. *C.* 4.

A. D. 1800 29. Any officer of the Board of Revenue, and any Collector, or other Revenue officer being a covenanted servant of the Company, shall be dismissed for filing or receiving any petition on unstampt paper. *Beng. Ben.* 1800 *R.* 7. § 25.

30. Officers, appointed for keeping the registers of landed estates, shall not be removable without proof of misconduct to the satisfaction of the Governor General in Council. *Beng. Ben.* 1800 *R.* 8. § 18. *Ced. Prov.* 1803 *R.* 42. § 43.

A. D. 1801 31. Agents for landholders, convicted of fabricating or altering accounts, or producing false accounts, shall be liable to dismission by order of the Court, from the employer's service, with a restriction on the employer, under a penalty, not to employ them again. *Beng. Ben.* 1801 *R.* 1. § 8. *Ced. Prov.* 1803 *R.* 29. § 3. *C.* 2.

A. D. 1803 32. A Tehsildar, falling in arrear a whole Kist, may be removed; and a report of the balance shall be made to the Board of Revenue. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 8.

33. A native public officer of Government, convicted in a Civil Court of refusing to receive payment of a fractional part of a Rupee in copper Pice, shall be adjudged to be dismissed from his office. *Ced. Prov.* 1803 *R.* 45. § 50.

34.

34. Invalided Sepoys shall be struck off the establishment, if not present at the Thanas at the periods of inspection, unless absent with leave, or from unavoidable cause appearing satisfactory to the Regulating Officer and Collector. *Beng.* 1804 *R.* 1. § 18. A. D. 1804.

35. Section 13, Regulation 2 of 1793, and Section 13, Regulation 5 of 1795, authorizing the Collectors to remove their native officers, are rescinded. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 3.

36. The Pundits of the temple of Jugunnant shall not be removable, except on proof of misconduct to the satisfaction of Government. *Beng.* 1806 *R.* 4. § 15. A. D. 1806

37. The officers of the temple of Jugunnaut will be liable to dismission, on proof, to the satisfaction of the Board of Revenue, (or of Government, if the case require a reference,) of any deviation from the restriction regarding fees and presents. *Beng.* 1806 *R.* 4. § 6.

38. The Superintendent of stamps, or any officer under him, shall be dismissed, if he issue any stampt paper without an endorsement under his official signature. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 2.

39. And the Collectors, or other officers entrusted with the disposal of stampt paper. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 9.

II. *JUDICIAL DEPARTMENT.*

1. The Governor General in Council will remove from his office any Judge of a Provincial Court of Appeal, or of a Zilla or City Court, convicted of corruption. *Beng.* 1793 *R.* 6. § 8. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 8. A. D. 1793

2. The pleaders in Civil Courts may be dismissed from office for refusing or omitting to carry on a suit after receiving the retainer. *Beng.* 1793 *R.* 7. § 7. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 6.

3. And for being absent a third time from Court, unless from indisposition, and without having notified his inability to the Register. *Beng.* 1793 *R.* 7. § 32. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 30.

4. If a pleader be removed from his office before the decision of a suit, he is not entitled to any fee on account of such suit. *Beng.* 1793 *R.* 7. § 10. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 9.

5. The Sudder Dewannee Adaulut may dismiss a pleader from his office, if convicted of promoting litigious suits, or of frauds or misbehaviour, though not relating to any suit. *Beng.* 1793 *R.* 7. § 17. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 16.

A. D. 1793 6. Or of wilfully delaying his client's suit for his own advantage. *Beng.* 1793 *R.* 7. § 18. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 17.

7. Or of demanding, or accepting, from his client, any fee or valuable consideration for pleading a cause, besides the fee allowed. *Beng.* 1793 *R.* 7. § 19. ext. *Ben.* 1795 *R.* 13. § 2 *Ced. Prov.* 1803 *R.* 10. § 18.

8. No pleader shall be dismissed from his office, except for incapacity or misconduct in his public duty, or profligacy in his private conduct, proved to the satisfaction of the Sudder Dewannee Adaulut: the Court is to suspend the pleader from office, and report to the Sudder Dewannee Adaulut all proceedings, when a pleader is deemed unqualified for his office from incapacity or from any act subjecting him to dismission. *Beng.* 1793 *R.* 7. § 22. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 21.

9. The Cazees and Muftees of the Courts of Circuit shall not be removable, except on proof, to the satisfaction of the Governor General in Council, that they are incapable, or have been guilty of misconduct in their public duty, or of profligacy in their private conduct. *Beng.* 1793 *R.* 9. § 30. *Ben.* 1795 *R.* 16. § 9. *Ced. Prov.* 1803 *R.* 7. § 7.

10. The Courts of Circuit are to report to the Nizamut Adaulut, whenever they consider the Cazees or Muftees to have shown incapacity, or to have been guilty of misconduct or profligacy. *Beng.* 1793 *R.* 9. § 60. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R* 7. § 29.

11. The law officers of the Courts, civil and criminal, are not removable, but for incapacity, misconduct or profligacy, proved to the satisfaction of the Governor General in Council. *Beng.* 1793 *R.* 12. § 2. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 2.

12. The Governor General in Council will dismiss from office, and declare incapable of serving Government in any employment, a law officer convicted of corruption or extortion. *Beng.* 1793 *R.* 12. § 8. *C.* 7. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 7.

13. And any native ministerial officer similarly convicted. *Beng.* 1793 *R.* 13. § 9; *C.* 8. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C* 8.

Modified 1804 *R.* 5. § 2. 14. The Courts, civil and criminal, may remove their native ministerial officers, for incapacity, misconduct or other cause deemed sufficient; except the Naibs of the Nazir, the Mirdahs and Peons, who may be removed by the Nazir at his pleasure. *Beng* 1793 *R.* 13. § 2. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 2.

15. The Governor General in Council will dismiss from office any ministerial officer of a Court, being a covenanted servant of the Company, convicted of corruption or extortion.

extortion: *Beng.* 1793 *R.* 13. § 9. *C.* 9. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 9.

16. The Native Record-keepers of the civil and criminal Courts shall not be removed from office but for misconduct proved to the satisfaction of the Governor General in Council. *Beng.* 1793 *R.* 18. § 3. ext. *Ben.* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 3.

17. The native Record-keepers of the civil and criminal Courts shall be liable to dismission from office, if any records be destroyed in consequence of their neglect, or be not forthcoming, and they shall not be able to give a satisfactory account of them. *Beng.* 1793 *R.* 18. § 7. ext. *Ben* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 7.

18. Any native servant of a Judge, convicted of corruption or extortion, shall be dismissed from, and never again employed in, the Judge's service. *Beng.* 1793 *R.* 13. § 11. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 14.

19. Police Daroghas are not to be removed from office except on proof of incapacity, and misconduct to the satisfaction of the Governor General in Council: when the Magistrate deems a Police Darogha disqualified from incapacity or misconduct, he may suspend him from office, appointing a person to act pro tempore, and reporting the case to the Governor General in Council. *Beng.* 1793 *R.* 22. § 6. *Ced. Prov.* 1803 *R.* 35. § 24.

20. The same rules are applicable to Kotwals and Dareghas of Cities. *Beng.* 1793 *R.* 22. § 28.

21. Police Daroghas shall be dismissed from office, if they insert, in any letter addressed on the public service, any matter not relating to it. *Beng.* 1793 *R.* 22. § 15.

22. The Police Daroghas are to be dismissed, with the sanction of the Governor General in Council, for apprehending any person, or doing any official act, which shall not be truly inserted in the monthly report. *Beng.* 1793 *R.* 22. § 21. *Ben.* 1795 *R.* 17. § 19. *Ced. Prov.* 1803 *R.* 35. § 20.

23. Payiks, Pasbans &c. shall be dismissed by the landholders, on requisition of the Magistrates, if convicted of harbouring or concealing offenders. *Beng.* 1793 *R.* 22. § 14. *Ben.* 1795 *R.* 17. § 14. *Ced. Prov.* 1803 *R.* 35. § 14.

24. The Cazee-ul-Cuzat is not removable from office, except for incapacity, misconduct, or profligacy, proved to the satisfaction of the Governor General in Council. *Beng.* 1793 *R.* 39. § 2. *C.* 1. *Ben.* 1795 *R.* 49. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 46. § 2. *C.* 1.

A. D. 1793 25. Nor the Cazees of cities, towns or Pergunnas. *Beng.* 1793 *R.* 39. § 3. *C.* 11 ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 3. *C.* 1.

26. Zilla and City Courts, and Provincial Courts of Appeal, are to report to the Governor General in Council, whenever they deem the Cazee of a city, town or Pergunna incapable or guilty of misconduct or profligacy. *Beng.* 1793 *R.* 39. § 6. *C.* 1. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 6. *C.* 1.

27. And the Cazee-ul-Cuzat is to report similarly. *Beng.* 1793 *R.* 39. § 6. *C.* 2. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 6. *C.* 2.

28. No Commissioner of lawsuits shall be removed from his office, while his commission continues in force, without sufficient cause proved to the satisfaction of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 40. § 3. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 3.

A. D. 1795 29. If the Magistrates in Benares &c. deem any Tehsildar unqualified for his station as a Police officer, from incapacity, misconduct or other cause, they shall report the grounds to the Governor General in Council, who will determine whether to remove or continue him. *Ben.* 1795 *R.* 17. § 6. *Ced. Prov.* 1803 *R.* 35. § 6.

30. The Governor General in Council will, on the report of a Magistrate in Benares &c. order a Tehsildar to be dismissed, if there appear grounds for so doing, upon proof that he apprehended any persons, or did any official act, which shall not be truly inserted in his monthly report. *Ben.* 1795 *R.* 17. § 19. *Ced. Prov.* 1803 *R.* 35. § 20.

A. D. 1797 31. Any Cazee, Muftee, or officer of a Cazee, who shall affix his official attestation to any unstampt deed or instrument, or copy thereof, required to be written on stampt paper, shall be dismissed from his office; and every public officer, to whom such a document may be produced, shall report it to Government. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 6.

32. And any Register, or European or native officer, of a Civil Court, filing, or permitting to be filed, any unstampt pleading. *Beng. Ben.* 1797 *R.* 6. § 17. *C.* 11. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 9.

33. Or attesting, or making, or furnishing, or allowing to be furnished, any copy of a judicial paper on unstampt paper. *Beng. Ben.* 1797 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 15. *C.* 3.

A. D. 1798 34. Pleaders, convicted of agreeing to plead a cause for less than the authorized fees, shall be liable to dismission from office; and, if they should have already entered into such agreements, shall immediately declare the same under the same penalty. *Beng. Ben.* 1798 *R.* 5. § 15. *Ced. Prov.* 1803 *R.* 10. § 32.

35.

35. Any guards, convicted before the Magistrate of wilful neglect with respect to the escape of any convict from their custody, shall be liable to immediate dismission. *Beng. Ben.* 1799 *R.* 2. § 6. *Ced. Prov.* 1803 *R.* 8. § 23. A. D. 1799

36. And Police officers receiving any complaint for an offence punishable by the Magistrate, except theft, on unstampt paper. *Beng. Ben.* 1800 *R.* 7. § 23. *Ced. Prov.* 1803 *R.* 43. § 23. A. D. 1800

37. A head Commissioner of lawsuits is not to be removed from office, without sufficient cause proved to the satisfaction of the Sudder Dewannee Adaulut. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 2. A. D. 1803

38. Nor a native Commissioner vested with the powers of Munsif. *Beng. Ben.* 1803 *R.* 49. § 14. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 29. *C.* 1.

39. Native Commissioners are liable to immediate dismission from office, if proved to the satisfaction of the Sudder Dewannee Adaulut, to have permitted any person to act as Vakeel, except a relation, servant or dependant of the party, or one of the Vakeels appointed by the Judge. *Beng. Ben.* 1803 *R.* 49. § 16. *C.* 5. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 5.

40. Section 2, Regulation 13 of 1793, and Section 2, Regulation 12 of 1803, authorizing the Courts, civil and criminal, to remove their native officers, are rescinded. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 2. A. D. 1804

41. When the Magistrate shall be of opinion, that a Sirdar Payik in Cuttack ought to be dismissed, he shall report all the circumstances to the Nizamut Adaulut. *Beng.* 1805 *R.* 13. § 5. A. D. 1805

42. The Payiks and other watchmen in the Jungul Mehals, will be liable to dismission from office for neglect of duty or other misconduct. *Beng.* 1805 *R.* 18. § 7. *C.* 5.

43. Police officers shall be dismissed, if they compel any persons not accustomed to act as bearers, Coolies or boatmen, or press any carts or bullocks not kept for hire, to serve any traveller who applies for assistance. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 8. A. D. 1806

III. *COMMERCIAL DEPARTMENT.*

1. Assistants to a Salt Agent, whether covenanted servants of the Company or Europeans not in the Company's service, and head native officers of Arungs, shall be dismissed from office, on conviction, in a Civil Court, of using compulsion for the manufacture. *Beng.* 1793 *R.* 29. § 5. *C.* 1. A. D. 1793

2. And for compulsion used by the officers under them with their knowledge or connivance; and such inferior officers may be similarly dismissed for compulsion used by them

A. D. 1793 them without the knowledge or connivance of their superiors. *Beng.* 1793 *R.* 29. § 5. *C.* 2.

3. Salt overseers, Gomashtas &c. shall be similarly dismissed, on conviction of receiving perquisites. *Beng.* 1793 *R.* 29. § 12.

Re-enacted 1801 R. 6 § 16

4. Salt officers may be dismissed for omitting or delaying to report seizures of salt. *Beng.* 1793 *R.* 30. § 5. *C.* 2.

5. Native officers under a Salt Agent, convicted of embezzlements &c. may, on report of the Board of Trade to Government, be dismissed and declared incapable of again serving Government. *Beng.* 1793 *R.* 29. § 15.

6. And native officers under a Commercial Agent. *Beng.* 1793 *R.* 31. § 13. *Ced. Prov.* 1803 *R.* 37. § 13. ext. *Ben.* 1805 *R.* 4. § 2.

Rescinded 1801 R. 11 § 2

7. Native officers of the Manjee Custom-house, convicted, to the satisfaction of the Board of Trade, of making any unauthorized collections, shall be dismissed from office. *Beng.* 1793 *R.* 42. § 16.

A. D. 1795

8. Native officers of the Benares Custom-house shall be dismissed from office by the Collector reporting the circumstance to the Board of Trade, for a repetition of any irregularity with regard to Ruwanas. *Ben.* 1795 *R* 3. § 4. *Ced Prov.* 1803 *R.* 38. § 7.

9. And by the Collector or Board of Trade for any illegal exactions. *Ben.* 1795 *R.* 3. § 14.

10. The Darogha of each Custom house station in Benares may dismiss any of the officers under him, except the Mushrif and Tehsildar, informing the Collector of his reasons. *Ben.* 1795 *R.* 3. § 14.

A. D. 1797

11. Any European or native officer in the department of Customs, attesting a Ruwana on unstampt paper, shall be liable to dismission. *Beng. Ben.* 1797 *R.* 6. § 24. *C.* 4.

A. D. 1801

12. Native officers of the Government Custom-houses, permitting their official seal to be out of their possession, shall be liable to dismission for the second offence. *Beng.* 1801 *R.* 11. § 13. *C.* 6. *Ced. Prov.* 1804 *R.* 11. § 26. *C.* 6.

13. And for unauthorized collections. *Beng.* 1801 *R.* 11. § 19. *Ced. Prov.* 1804 *R.* 11. § 31.

14. Also native officers of City Custom-houses, for unauthorized collections. *Beng. Ben.* 1801 *R.* 10. § 28. *Ced. Prov.* 1805 *R.* 6. § 35.

15. Any Police officer, seizing or detaining salt on his own authority, except when unaccompanied with a Ruwana, shall be liable to be dismissed from office. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 3.

16.

16. And any officer of a Collector of Revenue or Customs, and of a Commercial Agent, seizing or detaining salt, except by the special authority of the Collector or Agent. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 7. A. D. 1801

17. All subordinate officers of the Salt department are liable to dismission from office, for omitting or delaying to report to their immediate superior a seizure of salt. *Beng. Ben.* 1801 *R.* 6. § 16.

18. And for releasing any seizure of salt without his order. *Beng. Ben.* 1801 *R.* 6. § 17. A. D. 1803

19. Any person in the employ of a covenanted servant of the Company, or of the Salt Agent, shall be liable to dismission from office, if convicted, in a Civil Court, of purchasing any salt at the public sales in the provinces ceded by the Nuwab Vizeer to the Company. *Ced. Prov.* 1803 *R.* 39. § 19.

20. Any Tehsildar or Police Darogha shall be liable to dismission from office, on conviction of conniving at the illicit cultivation of the poppy. *Ced. Prov.* 1803 *R.* 41. § 6.

IV. *GENERAL RULES FOR ALL DEPARTMENTS.*

1. The head native ministerial officers of the Courts of Sudder Dewannee and Nizamut Adaulat, of the Provincial Courts of Appeal and Circuit, of the Courts of Zilla and City Judges and Magistrates, of the Boards of Revenue and Trade, of the Collectors of Revenue and Customs, and of the Commercial, Salt and Opium Agents, shall not be removed without the sanction of the Governor General in Council. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 4. A. D. 1804

2. Whenever these authorities see cause for the removal of such officer, they shall call upon him for his defence: and, if it appear unsatisfactory, shall report the proceedings, through the prescribed channel of correspondence, to the Governor General in Council, who will pass such orders as may appear proper: and, in case of gross misconduct, they may suspend such officer and appoint a person to act pro tempore in his place. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 6.

3. The report shall be forwarded to the Governor General in Council, by the Superior Court or Board, with an opinion whether there appear sufficient grounds for the proposed removal of such officer. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 8.

4. The above rules are applicable to the law officers, Cazees, Record-keepers, Police Daroghas, and Tehsildars in charge of Police, in addition to, and amendment of, all rules now in force. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 10.

A. D. 1804 5. And may be extended to any other officer, for whose appointment it may be judged proper to require the sanction of Government. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 11.

6. For which purpose, an order of Government will be sufficient, without a new Regulation. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 19.

7. Native officers, employed by any public officer subject to the authority of the Courts of Sudder Dewannee and Nizamut Adaulut, or the Boards of Revenue and Trade, receiving a monthly salary of ten Rupees or upwards, whose removal has not been reserved to the Governor General in Council, shall not be removed without the sanction of those Courts and Boards respectively. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 15.

8. Whenever the immediate superior shall see cause for the removal of such an officer, he shall be called upon for his defence; and if it appear unsatisfactory the proceedings shall be reported to those Courts or Boards respectively, who will pass such order thereon as may be judged proper. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 16.

9. In cases of gross misconduct such officer may be suspended from office, appointing a person to act in his place and reporting such suspension and provisional nomination to the Superior Court or Board. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 17.

10. The above rules are applicable to Commissioners of lawsuits, and Khezanchees of Collectors, in addition to, and amendment of, the rules now in force, and to Tehsildars in Bengal, Behar and Orissa; and may be extended to any other officer by an order of Government, without a new Regulation. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 19.

11. Future removals of such officers shall be communicated to the Civil Auditor by the Register of the Sudder Dewannee and Nizamut Adauluts, and by the Secretaries of the Boards of Revenue and Trade. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 21.

12. Native officers, under the above named authorities, whose monthly salary does not amount to ten Rupees, may be removed without any reference to a superior authority, by the officer on whose establishment they are entertained, recording the grounds of removal, and exercising this power with due regard to the public service by continuing them in office whilst they discharge their duties. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 14.

13. The Nazirs of the Courts may remove their Naibs, Mirdahs and Peons, stating sufficient cause to the satisfaction of the Judge or Magistrate; but not without his sanction: all officers in charge of Police may similarly remove, with the sanction of the Magistrate, the Naibs, Jumadars and Burkundazes. *Beng. Ben.* 1804 *R.* 5. § 12.

14.

14. The same principle is applicable to the Naibs, Mirdahs, Peons, Jumadars, Burkundazes &c. in the Revenue and Commercial departments, and to any establishments which may be allowed to the Commissioners of lawsuits. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 13. A. D. 1804

15. All references regarding the removal of native officers in the Furrokhabad mint, receiving a monthly salary of ten Rupees, or upwards, shall be made by the mint and Assay Master to the Mint Committee, who shall act, as is prescribed for other subordinate authorities by Regulation 5 of 1804. *Ced. Prov.* 1805 *R.* 11. § 4. *C.* 1. A. D. 1805

16. The Mint Committee may direct the dismission of any native officer of the mint, although a previous reference shall not have been made to them by the Mint and Assay Master; reporting to the Governor General in Council their proceedings and the officer's defence. *Ced. Prov.* 1805 *R.* 11. § 4. *C.* 2.

DISPOSSESSION.

1. Any person, having a claim to disputed land or crops in the possession of another, is prohibited from attempting to possess himself thereof by force; but is to prefer his claim to the Civil Court. *Beng.* 1793 *R.* 49. § 2. ext. *Ben.* (and declared to extend to all disputes regarding tanks or reservoirs, wells or water courses) 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 2. A. D. 1793

2. If any claimant take forcible possession, the Court, on complaint from the party dispossessed, shall, on proof of his previous possession, without entering into the merits of the dispossessor's claims, cause the land or crops to be restored to him, or the value of crops not forthcoming to be paid to him, with costs and equitable damages: leaving the dispossessor to prefer a regular suit for the disputed property. *Beng.* 1793 *R.* 49. § 3. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 3.

3. Whether the claimant shall have been present or not. *Beng.* 1793 *R.* 49. § 5. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 5.

4. If, in an attempt to take forcible possession, any person be killed, wounded or violently beaten, the offender, on proof of the complainant's previous possession, shall be adjudged to have forfeited to the complainant all right and title in the disputed property; and, whether the actual dispossession be proved or not, the offender, and all persons aiding him in the attempt, shall be committed for trial before the Court of Circuit. *Beng.* 1793 *R.* 49. § 4. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 4.

5. And if the claimant were not present, the persons, who were actually present, shall be dealt with as above; and the claimant, if they acted by his order, shall be proceeded against, in the Criminal Court, as if he had been present. *Beng.* 1793 *R.* 49. § 5. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 5.

A. D. 1793 6. All persons are prohibited from arming themselves, or entertaining armed men, for the purpose of guarding possession: if any claimant shall go armed, or connive at the assembling of armed men, to take possession, and the other party shall go armed to retain possession, and a fray shall ensue in which any person shall be killed, wounded or violently beaten, the land and crops in dispute shall be forfeited to Government; and both parties, and all persons aiding them, shall be committed for trial before the Criminal Court. *Beng.* 1793 *R.* 49. § 6. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 6.

A. D. 1798 7. When lands or crops are liable to be forfeited to Government for affrays under Section 6, Regulation 49 of 1793, the Vakeel of Government shall sue for the forfeiture on the part of Government; and the judgment of the Zilla or City Court may be be appealed. *Beng. Ben.* 1798 *R.* 5. § 7.

8. Decisions of Zilla or City Courts, on summary suits for dispossession under Sections 3, 4 and 5, Regulation 49 of 1793, are not appealable; unless the grounds of the appeal be the irrelevancy of the Regulation to the case. *Beng. Ben.* 1798 *R.* 5. § 7.

9. No institution fee is to be taken on such suits, nor on appeals from decisions on such suits. *Beng. Ben.* 1798 *R.* 5. § 7. *Ced. Prov.* 1805 *R.* 8. § 27. *C.* 2.

10. And the pleader's fees on such suits are to be one fourth of the fee on regular suits. *Beng. Ben.* 1798 *R.* 5. § 13. *Ced. Prov.* 1803 *R.* 10. § 31. *C.* 4.

A. D. 1805 11. Summary inquiries for recovering possession of land are to be conducted, as far as practicable, by the Judges and Assistant Judges in person: when the Judge, or Assistant Judge, from the urgency of other business, may not be able to make such inquiry with requisite expedition, they may be referred to the Register if the cause of action be such as to be referrible: but Judges may at any time recall such suits; and may, in any case requiring it, revise and amend any order passed thereon by the Register. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 12.

12. A Register, authorized to act as Judge during the absence of the Judge, may also conduct such inquiries. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 14. *C.* 1.

13. And a Register not so authorized, if they should require immediate attention. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 14. *C.* 2.

DISQUALIFIED LANDHOLDERS.

1. *GROUND AND CONSEQUENCES OF DISQUALIFICATION.*

A. D. 1793 Modified 1796 R. 7 § 8 1. Disqualified landholders are: 1st; females (unless declared competent by Government). 2d; minors: 3d; idiots, lunatics, and persons incapable of managing their estates by natural defect or infirmities: 4th; persons deemed incompetent from contumacy or profligacy. *Beng.* 1793 *R.* 8. § 20.

2. Their estates are to be managed by persons appointed by Government. *Beng.* 1793 *R.* 8 § 21. *Ced Prov* 1803 *R.* 52. § 1. A. D. 1793

3. Disqualified landholders, who are sharers in a joint estate with others not disqualified, are to make a settlement jointly, and elect a manager by the majority of votes present, or by the greater interest of the voters; and when the votes and interest are equal, the Board of Revenue shall appoint a manager to the estate. *Beng.* 1793 *R.* 8. § 23. *Ced Prov.* 1803 *R.* 52. § 5. *C.* 1. Refunded *Beng* 1793 *R.* 17 § 2

4. And such as have guardians, are to vote by their guardians. *Beng* 1793 *R* 8. § 24. *Ced Prov* 1803 *R.* 52. § 5. *C.* 2. ditto

5 If they neglect to elect a manager on the requisition of the Collector, he shall nominate one for the approbation of the Board: but the expense and responsibility are to rest with the proprietors *Beng.* 1793 *R.* 8 § 25. *Ced. Prov.* 1803 *R* 52. § 5. *C* 3. ditto

6 The Jumma of such estates is to be similarly determined by the majority of votes present, but any sharer, dissatisfied, may obtain a division of the land. *Beng.* 1793 *R.* 8 § 26 *Ced. Prov* 1803 *R.* 52. § 5 *C.* 4.

7. Minority extends to the end of the eighteenth year. *Beng.* 1793 *R.* 26. § 2.

8. This rule is applicable to joint sharers of an estate. *Beng.* 1793 *R.* 26 § 3.

9 The lands of disqualified landholders are not liable to be sold for arrears of revenue which have accrued during the disqualification, but will become liable to sale, as soon as the disqualification ceases. *Beng.* 1793 *R.* 1. § 8. *C.* 5.

10. Neither the person nor the estate of a disqualified landholder is liable for arrears. *Beng* 1793 *R* 14. § 48 *Ced Prov.* 1803 *R* 52. § 6

11 The Board of Revenue is appointed a Court of Wards to superintend the management of the estates of disqualified landholders. *Beng.* 1793 *R.* 10. § 1. *Ced. Prov.* 1803 *R* 52. § 2.

12. Malguzaree estates, paying revenue immediately to Government, are alone to be under the Court of Wards, and where the sole proprietor, or all the proprietors are disqualified. *Beng.* 1793 *R* 10 § 2. *Ced. Prov.* 1803 *R.* 52 § 3 Modified 1798 *R.* 3 § 2.

13. Estates not paying revenue immediately to Government, and joint estates of which all the proprietors are not disqualified, are not to be under the Court of Wards. *Beng.* 1793 *R.* 10 § 3. *Ced. Prov.* 1803 *R.* 52. § 4.

14. All persons, now and hereafter within the described disqualifications, are to be reported by the Collectors to the Board of Revenue. *Beng.* 1793 *R.* 10. § 4. *Ced. Prov.* 1803 *R.* 52. § 8.

A. D. 1793 15. With all circumstances regarding the condition of the party, the particulars of their estates, the person deemed eligible for manager and guardian, with the grounds of recommendation, and any objections to the confirmation, of a testamentary appointment of a guardian. *Beng.* 1793 *R.* 10. § 34. *Ced. Prov.* 1803 *R.* 52. § 38.

16. The Board is to take immediate charge of the estates of females; reporting the same to Government. *Beng.* 1793 *R.* 10. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 1.

17. And of undoubted minors. *Beng.* 1793 *R.* 10. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 2.

18. And shall direct the Collector to represent to the Zilla Court, through the Vakeel of Government, cases of idiotism &c. *Beng.* 1793 *R.* 10. § 5. *C.* 3. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 3.

Rescinded 1796 R 7 § 2 19. And of contumacy or profligacy. *Beng.* 1793 *R.* 10. § 5. *C.* 4. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 3.

20. The Collectors are to execute all instructions of the Court of Wards respecting disqualified landholders. *Beng.* 1793 *R.* 2. § 8. *C.* 7. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 7.

21. If not contrary to the Regulations of Government. *Beng.* 1793 *R.* 10. § 35. *Ced. Prov.* 1803 *R.* 52. § 39.

22. No adoption by a disqualified landholder shall be valid, without the previous sanction of the Court of Wards. *Beng.* 1793 *R.* 10. § 33. *Ced. Prov.* 1803 *R.* 52. § 37.

23. The Collectors shall transmit all such monthly and annual reports, as the Court of Wards may require. *Beng.* 1793 *R.* 10. § 35. *Ced. Prov.* 1803 *R.* 52. § 39.

24. If disqualified landholders should be proprietors in a joint estate under division, the Collector is to report it to the Court of Wards; who shall be careful that their rights are duly attended to although they should not be liable to the jurisdiction of that Court even after the division. *Beng.* 1793 *R.* 25. § 26. *Ced. Prov.* 1803 *R.* 26. § 37.

25. The compensation for abolished Sayer, in the estates of disqualified landholders, under the Court of Wards, is to be made by a deduction of the whole Sayer from the gross settlement, or of one tenth from the land assets. *Beng.* 1793 *R.* 27. § 8.

A. D. 1795 26. Should the jurisdiction of the Court of Wards be extended to Benares, it will be the Collector's duty to execute their instructions regarding disqualified landholders. *Ben.* 1795 § 7. *R.* 5. *C.* 7.

27. If a disqualified landholder should be proprietor in a joint estate under division in Benares, the Collector is to report it to the Board (or to the Court of Wards if their jurisdiction

jurisdiction should be extended to Benares), who are to be careful that such proprietor's interests are properly attended to. *Ben.* 1795 *R.* 26. § 6. *C.* 2. A. D. 1798

28. The jurisdiction of the Court of Wards does not extend, without the special sanction of Government, to an estate becoming the property of a disqualified landholder by any other mode except regular inheritance; and all such estates are liable to sale like other estates for arrears: but this rule does not include such estates, if already under the Court of Wards. *Beng.* 1796 *R.* 3. § 2. *Ced. Prov.* 1803 *R.* 52. § 7. A. D. 1798

29. Rent-free lands, belonging to a disqualified landholder, may be put under the Court of Wards, by order of Government. *Beng.* 1796 *R.* 3. § 2. *Ced. Prov.* 1803 *R.* 52. § 7.

30. Disqualification for contumacy and profligacy is done away; and Clause 4, Section 5, Regulation 10 of 1793, for ascertaining these grounds of disqualification, is rescinded. *Beng.* 1796 *R.* 7. § 2.

31. And all proceedings, which may have been instituted thereon, are to stop. *Beng.* 1796 *R.* 7. § 3.

32. The Board of Revenue shall report to Government all cases of this nature now under charge of the Court of Wards; and Government will determine whether this abrogation shall be applied retrospectively to them. *Beng.* 1796 *R.* 7. § 4.

31. And if such landholders should be restored to the management of their estates, the settlement is to be made with them according to Regulation 8 of 1793. *Beng.* 1796 *R.* 7. § 5.

33. The rules for Civil Courts, in appointing administrators to intestates, are not to limit or alter the jurisdiction of the Court of Wards in appointing managers and guardians to disqualified landholders. *Beng.* 1799 *R.* 5. § 8. A. D. 1799

34. Section 48, Regulation 14 of 1793, prohibiting the confinement of disqualified and female landholders, is to be considered still in full force. *Beng.* 1799 *R.* 7. § 27.

35. The lands of disqualified proprietors of joint estates, under charge of guardians appointed by Civil Courts, are liable to sale for arrears of revenue. *Beng. Reg.* 1800 *R.* 1. § 6. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 13. A. D. 1800

36. Sections 23, 24 and 25 of Regulation 8 of 1793 are rescinded; and proprietors of joint undivided estates shall be left to manage their own estates, without interference of the Collector or Board. *Beng.* 1805 *R.* 17. § 2. A. D. 1805

II. RULES FOR ASCERTAINING DISQUALIFICATION.

A. D 1793 1. 1st; Sex—The Board of Revenue is to take immediate charge of the estate of a female proprietor, reporting the circumstance to the Governor General in Council; who may exempt from disqualification any female whom he may deem competent to manage her estate. *Beng.* 1793 *R.* 10. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 1.

2. And so may the Court of Wards, reporting it to Government. *Beng.* 1793 *R.* 50. § 3. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 3.

3. And she shall, in such case, execute the same engagement with other landholders. *Beng.* 1793 *R.* 50. § 4. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 4.

4 2d; Minority—The Board, if they see no reason to doubt the nonage of a proprietor reported to be a minor, shall take charge of the estate and report the circumstances to the Governor General in Council: but, if minority be denied by the petition of the party, or of any person on his behalf, preferred to the Zilla Court, the petition shall be sent to the Sudder Dewannee Adaulut, who will order the Zilla Court, or the Provincial Court of Appeal, to ascertain the party's age by calling him before them, and by the evidence on oath of not less than three witnesses, and by other inquiries, and to certify their proceedings to the Sudder Dewannee Adaulut, whose decision is final, and shall be certified to the Governor General in Council for his orders. *Beng.* 1793 *R.* 10. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 2.

5. Majority was fixed at fifteen years. *Beng.* 1793 *R.* 10. § 28.

6. Afterwards extended to eighteen years. *Beng.* 1793 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 52. § 32.

7. When a party represents, by petition to the Zilla Court, his minority to have ceased, the petition shall be sent to the Sudder Dewannee Adaulut, who will order the Zilla Court or the Provincial Court of Appeal to inquire into the case and report their proceedings to the Sudder Dewannee Adaulut, whose decision is final and shall be certified to the Governor General in Council for his orders. *Beng.* 1793 *R.* 10. § 5. *C.* 6. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 6.

8. 3d; Idiotism, lunacy and natural defects—The state of the party is to be inquired into, as above, by the Civil Courts on representation of the Collector, under orders of the Board; and the Courts shall report their proceedings to the Sudder Dewannee Adaulut for final decision as above. *Beng.* 1793 *R.* 10. § 5. *C.* 3. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 3.

9. Such party, if not born in a state of idiotism, is to be produced annually before the Zilla Court, or oftener if deemed proper, for ascertaining his condition; and, if the

Judge

Judge deem the ground of disqualification to have ceased, he shall report all the circumstances of the case to the Sudder Dewannee Adaulut, whose final decision shall be certified to the Governor General in Council for his orders. *Beng.* 1793 *R.* 10. § 5. *C.* 5. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 5. A. D. 1793

10. If such party shall represent his disqualification to have ceased, the Civil Court shall similarly inquire into the case, and report their proceedings to the Sudder Dewannee Adaulut for final decision as above. *Beng.* 1793 *R.* 10. § 5. *C.* 6. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 6.

11. 4th; Contumacy and profligacy—The fact is to be inquired into by the Civil Court, on representation of the Collector, under orders of the Board; and the Court shall report the proceedings to the Sudder Dewannee Adaulut for final decision. *Beng.* 1793 *R.* 10. § 5. *C.* 4. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 4. Rescinded 1796 R. 7. § 2

12. If a party shall represent his disqualification to have ceased, the Civil Court shall inquire into the fact, and report the proceedings to the Sudder Dewannee Adaulut for final decision. *Beng.* 1793 *R.* 10. § 5. *C.* 6. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 6. ditto

III. *RULES FOR THE MANAGER AND GUARDIAN.*

1. Mode of Appointment and Duties.

1. The trust of manager and guardian are distinct, but may be vested in the same person. *Beng.* 1793 *R.* 10. § 6. *Ced. Prov.* 1803 *R.* 52. § 10. A. D. 1793

2. Who shall execute distinct obligations, and deliver distinct accounts, in the two capacities. *Beng.* 1793 *R.* 10 § 30. *Ced. Prov.* 1803 *R.* 52. § 34.

3. The manager is to have charge of the real and personal estate. *Beng.* 1793 *R.* 10. § 7. and 15. *Ced. Prov.* 1803 *R.* 52. § 11. and 19.

4. The guardian is to have charge of the ward's person, maintenance and education. *Beng.* 1793 *R.* 10. § 7. and 20. *Ced. Prov.* 1803 *R.* 52. § 11. and 24.

5. With the dwelling house and furniture, and the money allowed for the ward and his family. *Beng.* 1793 *R.* 10. § 15. *Ced. Prov.* 1803 *R.* 52. § 19.

6. Both manager and guardian are to sign an inventory of the property in their charge. *Beng.* 1793 *R.* 10. § 15. *Ced. Prov.* 1803 *R.* 52. § 19.

7. The manager is to be chosen by the Collector and approved by the Board: the heir of the estate, or a near relation, or a family servant, shall be chosen in preference; a husband may be manager for his wife if she desire it. *Beng.* 1793 *R.* 10. § 8. *C.* 1. Modified 1799 R. 7 § 16

8.

A. D. 1793 Re-enacted 1799 R. 7 § 26

8. Females, not being minors, may recommend the manager for their estates. *Beng.* 1793 *R.* 10. § 8. *C.* 2.

9. A penal obligation in treble damages, with security for his appearance, is to be taken from the manager. *Beng.* 1793 *R.* 10. § 9. *Ced. Prov.* 1803 *R.* 52. § 13.

10. An allowance to the manager is to be proposed by the Collector and fixed by the Court of Wards. *Beng.* 1793 *R.* 10. § 10. *Ced. Prov.* 1803 *R.* 52. § 14.

11. And an establishment of necessary officers under him, to be appointed by him, with the sanction of the Collector. *Beng.* 1793 *R.* 10. § 11. *Ced. Prov.* 1803 *R.* 52. § 15.

12. But when an estate cannot afford the expense of an establishment, the Court may act discretionally. *Beng.* 1793 *R.* 50. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 2.

13. And may place contiguous small estates under one manager. *Beng.* 1793 *R.* 50. § 6. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 6.

14. On proof of embezzlement before the Court of Wards, the manager shall forfeit the penalty of his obligation and be dismissed. *Beng.* 1793 *R.* 10. § 10. *Ced. Prov.* 1803 *R.* 52. § 14.

15. And any of his officers, on similar proof, shall be fined and dismissed. *Beng.* 1793 *R.* 10. § 11. *Ced. Prov.* 1803 *R.* 52. § 15.

16. The guardian is to be chosen under the same rules with the manager: female guardians for female minors: but the legal heir, or any person interested in outliving the ward, shall not be guardian: any testamentary appointment of a guardian shall be reported to the Court of Wards by the Collector, and shall be preferred if the person be duly qualified. *Beng.* 1793 *R.* 10. § 21. *Ced. Prov.* 1803 *R.* 52. § 25.

17. Minors, lunatics, idiots, and persons otherwise incapable of the care of their own persons, are alone to have guardians. *Beng.* 1793 *R.* 10. § 22. *Ced. Prov.* 1803 *R.* 52. § 26.

18. An allowance, if required, for the guardian, when approved by the Court of Wards, is to be paid from the ward's allowance. *Beng.* 1793 *R.* 10. § 23. *Ced. Prov.* 1803 *R.* 52. § 27.

19. And an establishment of necessary officers under him is to be proposed by the guardian to the Collector, and fixed by the Court of Wards, and paid from the ward's allowance. *Beng.* 1793 *R.* 10. § 25. *Ced. Prov.* 1803 *R.* 52. § 29.

20. The guardian is to execute a penal obligation in treble damages, with security for his appearance. *Beng.* 1793 *R.* 10. § 24. *Ced. Prov.* 1803 *R.* 52. § 28.

21.

21. And is to deliver to the Collector monthly and annual accounts current, the latter with vouchers and on oath, (or on a solemn declaration if the Court of Wards admit of it); and the Collector is to audit the accounts. *Beng.* 1793 *R.* 10. § 26. *Ced. Prov.* 1803 *R.* 52. § 30. A. D. 1793

22. The rules respecting the establishments of the manager are applicable to the establishments of the guardian. *Beng.* 1793 *R.* 10. § 29. *Ced. Prov.* 1803 *R.* 52. § 29.

23. The guardian of a minor is to take care of the ward's education. *Beng.* 1793 *R.* 10. § 20. *Ced. Prov.* 1803 *R.* 52. § 24.

24. Also the guardian of a female minor. *Beng.* 1793 *R.* 10. § 29. *Ced. Prov.* 1803 *R.* 52. § 33.

25. The superintendence of female relations over a male minor is not to be allowed beyond his fifth year. *Beng.* 1793 *R.* 10 § 27. *Ced. Prov.* 1803 *R.* 52. § 31.

26. Disqualified landholders, having guardians, shall not be sued but under the joint names of the guardian and ward. *Beng.* 1793 *R.* 10. § 32. *C.* 1. *Ced. Prov.* 1803 *R.* 52. § 36. *C.* 1.

27. The guardian of a disqualified landholder, sued jointly with his ward, shall not be required to give the securities demandable from other defendants. *Beng.* 1795 *R.* 55. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 7. A. D. 1795

28. Section 8, Regulation 10 of 1793, for the choice of managers to the estates of disqualified landholders, is rescinded: they are to be chosen by the Collector, and approved by the Board, without any regard to connexion with the proprietor, or to the will of the proprietor; and are to be considered as officers of Government, acting under the Collectors, who shall be held responsible for nominating proper persons, and are to report if they be dissatisfied with the conduct of any of the present managers, and to recommend a successor. *Beng.* 1799 *R.* 7. § 26. *Ced. Prov.* 1803 *R.* 52. § 12. A. D. 1799

29. Minor, lunatic, or idiot heirs of a proprietor in a joint undivided estate, shall have guardians appointed by the Civil Court, if none have been appointed by will, and there be well founded objections to the next of kin. *Beng. Ben.* 1800 *R.* 1. § 1. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 8. A. D. 1800

30. The Court shall attend to the capacity, character and responsibility of the person selected for guardian; who is not to be the legal heir of the ward, nor a person interested in outliving him. *Beng.* 1800 *R.* 1. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 9.

31. The Court shall fix a compensation for him if necessary. *Beng.* 1800 *R.* 1. § 3. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 10.

A. D. 1800 32. He shall have a commission from the Court, and give security for his appearance, and execute a penal obligation. *Beng.* 1800 *R.* 1. § 4. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 11.

33. Such guardians shall vote in the election of a manager, and receive from the manager the ward's share of the profits of the estate, and have the care of the person, maintenance and education of the ward. *Beng.* 1800 *R.* 1. § 5. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 12.

34. Any person, thinking himself aggrieved by the Court's interference, may petition the Sudder Dewannee Adaulut, directly or through the Court; and the decision of the Sudder Dewannee Adaulut shall be final. *Beng.* 1800 *R.* 1. § 7. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 14.

35. The estates of such minors, &c. are liable to sale for balances. *Beng.* 1800 *R.* 1. § 6. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 13.

2. Management of the Estate.

A. D. 1793 1. The assessment on estates of disqualified landholders is to be fixed as in the other estates. *Beng.* 1793 *R.* 10. § 12. *C.* 1. *Ced. Prov.* 1803 *R.* 52. § 16. *C.* 1.

2. And ten per cent thereon, or on as much of it as may be realized, is fixed for the support of the proprietor. *Beng.* 1793 *R.* 10. § 12. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 16. *C.* 2.

3. The allowance may be increased or reduced by the Collector, reporting it to the Court of Wards. *Beng.* 1793 *R.* 10. § 13. *Ced. Prov.* 1803 *R.* 52. § 17.

4. The manager is to pay this allowance to the guardian. *Beng.* 1793 *R.* 10. § 14. *Ced. Prov.* 1803 *R.* 52. § 18.

5. And any surplus of it, remaining at the end of the year, is to be repaid by the guardian to the manager. *Beng.* 1793 *R.* 10. § 26. *Ced. Prov.* 1803 *R.* 52. § 30.

6. Proprietors, male or female, who have no guardians, shall themselves receive the allowance. *Beng.* 1793 *R.* 10. § 22. *Ced. Prov.* 1803 *R.* 52. § 26.

7. The manager is to pay to the Collector only the monthly Kist, or such part of it, as he may be able, from his collections; but he is to furnish the Collector with a monthly account current of all his receipts and disbursements; which the Collector is to audit. *Beng.* 1793 *R.* 10. § 12. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 16. *C.* 2.

8. And an annual account current with vouchers upon oath, (or, by permission of the Court of Wards, upon a solemn declaration,) which the Collector shall audit. *Beng.* 1793 *R.* 10. § 17. *Ced. Prov.* 1803 *R.* 52. § 21.

9 Where an estate is situated in different Zillas, the Court of Wards may authorise the manager to deliver his accounts to the Collector of the Zilla which contains the largest portion. *Beng.* 1793 *R.* 50. § 5. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 5. A. D. 1795

10. The surplus receipts of one year are to be appropriated to pay the arrear of any preceding year; or, if there be no such arrear, to the benefit of the estate, in such manner as the Collector shall direct: viz. either in the improvement of the lands, *Beng* 1793 *R.* 10. § 12. *C.* 2 *Ced Prov.* 1803 *R.* 52. § 16. *C.* 2.

11. Or in the purchase of landed property, or in loans on mortgage; and in Government securities. *Beng.* 1793 10 § 18. *Ced. Prov.* 1803 *R.* 52. § 22.

12. Also any saving by the reduction of the ward's allowance, and the income arising from resources independent of the Malguzaree lands. *Beng.* 1793 *R.* 10. § 13. *Ced Prov.* 1803 *R.* 52. § 17.

13. Title deeds are to be deposited in the General Treasury by the Court of Wards, who are to send the Treasurer's receipt to the Collector for delivery to the manager, Government securities will be kept by the Collector in his own treasury, to receive the interest, and he shall give a receipt for them to the manager. *Beng.* 1793 *R.* 10 § 18. *Ced Prov* 1803 *R.* 52 § 22.

14 Debts due from the estate are to be reported by the Collector to the Court of Wards, with his opinion on the mode of paying them: if debts be compromised, the actual payment only is to be charged. *Beng.* 1793 *R.* 10. § 19. *Ced. Prov.* 1803 *R.* 52. § 13.

15 The manager is to act for the ward, as if the estate were his own; and is not to grant any leases beyond the life of the ward if a minor, nor dispose of any of his permanent property without the sanction of the Court of Wards. *Beng.* 1793 *R.* 10. § 16. *Ced Prov* 1803 *R* 52 § 20.

16. Both manager and guardian shall sign and seal all papers with their own names and seals, and not with the names and seals of the wards, but shall deliver up all family seals to the Collector. *Beng.* 1793 *R.* 10. § 31. *Ced Prov* 1803 *R* 52. § 35.

17. And are to obey all orders of the Court of Wards not contrary to the Regulations. *Beng.* 1793 *R.* 10 § 35. *Ced. Prov.* 1803 *R.* 52 § 39.

18. Disqualified landholders may sue the Collectors, managers and guardians, for frauds before the Court of Wards, and the suit may be brought by any person willing to undertake the cause, on his giving security for costs and damages: the Collector may, if ordered by the Court of Wards, inquire into and report, but not pass judgment, on

charges

A. D. 1791 charges against managers and guardians: the Court of Wards, or the Collector, may apply to the Judge of the Zilla Court for enforcing the attendance of persons required in such inquiries, and may swear them: the judgments of the Court of Wards shall be transmitted to the Zilla Courts and enforced as judgments of the Civil Courts; but may be appealed to the Sudder Dewannee Adaulut in three months, or later if good cause be shown. *Beng.* 1793 *R.* 10 § 32. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 36. *C.* 2.

19. When the disqualification shall have ceased, or if the estate devolve to a person not disqualified, the Collector, manager and guardian may be sued in the Zilla Court for all acts contrary to the Regulations; and such suits against a Collector are to be defended at his own risk and expense. *Beng.* 1793 *R.* 10. § 36. *Ced. Prov.* 1803 *R.* 52. § 40.

20. Managers of disqualified landholders may distrain for rents due from the tenants, under farmers &c. *Beng.* 1793 *R.* 17. § 30. *Ced. Prov.* 1803 *R.* 28. § 28.

21. They may, without applying to the Civil Courts, resume unauthorized rent-free grants made since 1st December 1790. *Beng.* 1793 *R.* 19. § 10.

22. They may be Commissioners for trying civil suits. *Beng.* 1793 *R.* 40. § 5. *C.* 3. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 5.

A. D. 1795 23. They may sue for rents, in the summary mode allowed to proprietors and farmers. *Beng.* 1795 *R.* 35. § 20.

A. D. 1799 24. May recover rents by the summary process allowed to landholders &c. *Beng.* 1799 *R.* 7. § 19. *Ced. Prov.* 1803 *R.* 28. § 36.

A. D. 1800 25. They are liable to fine, in the discretion of Government, for wilfully omitting the name of any village in the statement delivered to the Collector. *Beng. Ben.* 1800 *R.* 8. § 20. *Ced. Prov* 1803 *R.* 42. § 40.

26. Guardians may similarly be fined for not reporting a disqualified landholder's succession to an estate. *Beng. Ben.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42. § 41.

A. D. 1801 27. Managers shall forfeit 5000 Rupees, if any private salt works be proved to exist on the estates under their management. *Beng.* 1801 *R.* 6. § 7. *C.* 4.

A. D. 1805 28. In the Jungul Mehals, they may, with the sanction of the Governor General in Council, be appointed to the charge of Police; and shall, in such case, receive the same Sunnud, execute the same engagements, and perform the same duties, under the same responsibility, as a landholder, or with such modifications as the Governor General in Council may direct. *Beng* 1805 *R.* 18. § 7. *C.* 21.

29. The guardian of a disqualified sharer in a joint estate shall exercise the same powers in the management of the estate, which the proprietor himself could, were he qualified. *Beng.* 1805 *R.* 17. § 5.

DISTRESS.

I. WHO MAY DISTRAIN AND FOR WHAT.

1. Actual proprietors of land, and farmers who hold from Government, and under farmers of actual proprietors and of Sudder farmers, may distrain for rent due from the dependent Talookdars and Rayats and under farmers: and dependent Talookdars, and their under farmers, for rents due from their Rayats and under farmers. *Beng.* 1793 *R.* 17. § 2. *Ben.* 1795 *R.* 45. § 2. *Ced. Prov.* 1803 *R.* 28. § 2. *C.* 1. A. D. 1793

2. Managers of estates of disqualified landholders and of joint sharers. *Beng.* 1793 *R.* 17. § 30. *Ben.* 1795 *R.* 45. § 28. *Ced. Prov.* 1803 *R.* 28. § 28.

3. Heirs and successors, for the rents due to their predecessors. *Beng.* 1793 *R.* 17. § 30. *Ben.* 1795 *R.* 45. § 28. *Ced. Prov.* 1803 *R.* 28. § 28.

4. Collectors of the Police tax, for arrears of the tax due from the merchants, traders and shopkeepers assessed. *Beng.* 1793 *R.* 23. § 34. Rescinded 1797 R. 6 § 2 C. 1.

5. Agents empowered by landholders &c. to distrain for them, subject to the united responsibility of the principal and Agent. *Beng.* 1799 *R.* 7. § 2. *Ben.* 1800 *R.* 5. § 2. *Ced. Prov.* 1803 *R.* 28. § 2. *C.* 2. A. D. 1799

6. Collectors and other public officers holding lands in attachment, for the rents due by the tenants. *Beng.* 1799 *R.* 7. § 19. *Ben.* 1800 *R.* 5. § 18. *Ced. Prov.* 1803 *R.* 28. § 36.

7. The authorized Agents of Collectors and of public officers holding lands in attachment, and of managers for disqualified landholders and undivided estates. *Beng.* 1799 *R.* 7. § 19. *Ben.* 1800 *R.* 5. § 18. *Ced. Prov.* 1803 *R.* 28. § 36.

8. The Collectors of Benares &c. and Tehsildars by orders of the Collector, or without his orders if vested by him with discretionary authority, for revenue due from landholders to Government. *Ben.* 1800 *R.* 5. § 22. *Ced. Prov.* 1803 *R.* 27. § 14. *C.* 2. A. D. 1800

9. The Collectors in Bengal &c. by the express sanction of the Board of Revenue in each particular case, for the revenue due to Government by petty landholders. *Beng.* 1801 *R.* 1. § 4. A. D. 1801

II. POWERS OF THE DISTRAINER AND RESTRICTIONS ON HIM.

1. Landholders, Sudder farmers, dependant Talookdars, and their under farmers, may, without notice to a Court of Justice or to any public officer, distrain the crops, grain, cattle and personal property of tenants &c. for arrears of rent, whether found in the A. D. 1793

A. D. 1793 the house or on the premises of the defaulter or of any other person. *Beng.* 1793 *R* 17. § 2 *Ben.* 1795 *R.* 45. § 2. *Ced. Prov.* 1803 *R.* 28. § 2. *C.* 1.

2. But are liable to discretionary damages and costs of suit, if they distrain the plough, seed-grain, and plough-cattle, when there is other tangible property. *Beng.* 1793 *R.* 17. § 4. *Ben.* 1795 *R.* 45. § 4. *Ced. Prov.* 1803 *R.* 28. § 4.

3. Or property disproportionate to the arrear. *Beng.* 1793 *R.* 17. § 16. *Ben.* 1795 *R.* 45. § 14. *Ced. Prov.* 1803 *R.* 28. § 14.

4. Or if they do not release the distrained property, on tender of the arrear with the expenses incurred. *Beng.* 1793 *R.* 17. § 11. *Ben.* 1795 *R.* 45. § 9. *Ced. Prov.* 1803 *R.* 28. § 9.

Modified 1795 R. 7 § 10

5. Or if they enter a dwelling, or break open an out-house, not in the occupation of the defaulter, nor containing any of his property. *Beng.* 1793 *R.* 17. § 21. *Ben.* 1795 *R.* 45. § 19. *Ced. Prov.* 1803 *R.* 28 § 19. *C.* 1.

6. They are liable to restitution of the property or its value, and damages equal to its value, with costs, if they distrain any property when no rent is due. *Beng.* 1793 *R.* 17. § 6. *Ben.* 1795 *R.* 45. § 6. *Ced. Prov.* 1803 *R.* 28. § 6.

7. To damages proved, and forfeiture of the claim, and restitution of the property or its value with costs, if they distrain any real property, or the goods or advances of the Company in the hands of any person employed in their investment, or the looms, thread, silk or materials of a manufacture, or the tools of a tradesman or labourer. *Beng.* 1793 *R.* 17. § 3. *Ben.* 1795 *R.* 45. § 3. *Ced. Prov.* 1803 *R.* 28. § 3.

8. To forfeiture of the claim, and restitution of property or its value, and costs, if they distrain without the prescribed authority to, or prescribed notice by, the person deputed for distraining. *Beng.* 1793 *R.* 17. § 8. *Ben.* 1795 *R.* 45. § 8. *Ced. Prov.* 1803 *R.* 28. § 8.

Rescinded 1795 R. 8 § 2

9. Or the property of sureties, except in prescribed cases. *Beng.* 1793 *R.* 17. § 10.

10. Or after sun set and before sun rise. *Beng.* 1793 *R.* 17. § 17. *Ben.* 1795 *R.* 45. § 15. *Ced. Prov.* 1803 *R.* 28. § 15.

Re-enacted 1795 R. 25 § 5.

11. Or if they sell distrained property in any except the prescribed mode. *Beng.* 1793 *R.* 17. § 22. *Ben.* 1795. *R.* 45. § 20. *Ced. Prov.* 1803 *R.* 28. § 20.

12. Or if they purchase any of the attached property at the sale. *Beng.* 1793 *R.* 17. § 24. *Ben.* 1795 *R.* 45. § 22. *Ced. Prov.* 1803 *R.* 28. § 22.

13.

13. They are liable to discretionary damages and costs in a civil suit, or to a criminal prosecution, for assault and imprisonment, if they confine the tenants. *Beng.* 1793 *R.* 17. § 28. *Ben.* 1795 *R.* 45. § 26. *Ced. Prov.* 1803 *R.* 28. § 26. A. D. 1799

14. To make good any loss or damage to the property through want of proper precaution in keeping it. *Beng.* 1793 *R.* 17. § 15. *Ben.* 1795 *R.* 45. § 13. *Ced. Prov.* 1803 *R.* 28. § 13.

15. To heavy damages, forfeiture of claim, restitution of the property or its value with costs, and imprisonment of six months, if they break open the outer door of a dwelling or enter a female apartment. *Beng.* 1793 *R.* 17. § 21. *Ben.* 1795 *R.* 45. § 19. *Ced. Prov.* 1803 *R.* 28 § 19. Modified 1799 R. 7 § 10

16. But they may break open any out house, and the door of any inner apartment, except Zenanas, if the outer door of the dwelling be open. *Beng.* 1793 *R.* 17. § 21. *Ben* 1795 *R.* 45. § 19 *Ced. Prov.* 1803 *R.* 28. § 19.

17 Principals are liable to be sued for the acts of their agents, whether done by their orders and with their knowledge or not; but are not to be imprisoned for such acts, unless committed by their order or with their knowledge or consent. *Beng.* 1793 *R.* 17. § 32 *Ben.* 1795 *R.* 45. § 29. *Ced. Prov.* 1803 *R.* 28. § 29.

18. Persons, injured by any act of a distrainer, may sue in a Civil Court. *Beng.* 1793 *R.* 17. § 33. *Ben.* 1795 *R.* 45. § 31. *Ced. Prov.* 1803 *R.* 28. § 31.

19. Suits under this Regulation are to be heard before all other suits. *Beng.* 1793 *R.* 17. § 34. *Ben.* 1795 *R.* 45. § 32. *Ced. Prov.* 1803 *R.* 28. § 31.

20. Landholders &c. may distrain, notwithstanding the defaulter being confined on a summary process. *Beng.* 1795 *R.* 35. § 17. A. D. 1795

21. Distrainers, selling distrained property in any except the authorized mode, shall forfeit the arrear and make good the property or its value. *Beng.* 1795 *R.* 35. § 5. *Ben.* 1795 *R.* 45. § 20. *Ced. Prov.* 1803 *R.* 28. § 20.

22. Landholders &c may empower their agents to distrain for them, subject to the united responsibility of the principal and agent; but neither landholders &c. nor their agents, shall be liable to any of the penalties, unless their deviation from the prescribed rules was wilful, or proceeded from gross neglect; and no damages shall be awarded if proof be made that sufficient amends were tendered previous to the suit. *Beng.* 1799 *R.* 7. § 2. *Ben.* 1800 *R.* 5. § 2. *Ced. Prov.* 1803 *R.* 28. § 2. *C.* 2. A. D. 1799

23. The distrainer may, in presence of a Police officer, break open the outer door of a house in which he shall suppose the defaulter's property to be concealed; and may enter the Zenana and remove thence the defaulter's property, after giving notice and providing

A. D. 1799 providing means for the removal of the women; distrainers, breaking open an outer door, or entering a Zenana in any other mode, shall forfeit the arrear with heavy damages. *Beng.* 1799 *R.* 7. § 10. *Ben.* 1800 *R.* 5. § 10. *Ced. Prov.* 1803 *R.* 28. § 19. *C.* 2.

24. Police officers are to comply with all applications from distrainers, and to use every means for preventing any breach of the peace, and give due attention to the proceedings so as to give evidence thereof if required. *Beng.* 1799 *R.* 7. § 11. *Ben.* 1800 *R.* 5. § 11. *Ced. Prov.* 1803 *R.* 28. § 19. *C.* 3.

25. Unfounded complaints by tenants to the Magistrates against distrainers, or against the collectors of their rents, are to be punished according to Section 10, Regulation 9 of 1793: tenants, wantonly summoning the Zemindary officers as witnesses in civil suits, are to be compelled to indemnify their expenses, under Section 6, Regulation 4 of 1793: landholders, who shall sustain any loss by the absence of their officers upon such complaints, or on being thus summoned, may recover the amount with costs by an action against the party who caused it. *Beng.* 1799 *R.* 7. § 12. *Ben.* 1800 *R.* 5. § 12. *Ced Prov.* 1803 *R.* 28. § 38.

26. Courts and Commissioners are to give the preference of hearing to all suits respecting rent. Commissioners may try suits brought by tenants for illegal distress, or by landholders for rent, if not exceeding fifty Rupees, either preferred to them as Munsifs or referred to them as referees. *Beng.* 1799 *R.* 7. § 13. *Ben.* 1800 *R.* 5. § 13. *Ced. Prov.* 1803 *R.* 28. § 39 and 31.

III. *MODE OF DISTRAINING.*

A. D. 1793 Modified 1799 R. 7 § 3

1. Demand of the rent must be first made from the defaulter; and, if he have given security, from his surety if forthcoming. *Beng.* 1793 *R.* 17. § 5. *Ben.* 1795 *R.* 45. § 5.

2. But, if the defaulter in presence of witnesses tender the arrear before distress, it shall not be made. *Beng.* 1793 *R.* 17. § 7. *Ben.* 1795 *R.* 45. § 7. *Ced. Prov.* 1803 *R.* 28. § 7.

3. If he tender it after distress, with the costs incurred, (which, in case of dispute, shall be determined by the Cazee;) the distress shall be withdrawn under penalty of damages. *Beng.* 1793 *R.* 17. § 11. *Ben.* 1795 *R.* 45. § 9. *Ced. Prov.* 1803 *R.* 28. § 9.

Rescinded 1795 R. 35 § 8

4. If a defaulter, who has not given security, shall in five days from the attachment, or in the case of ungathered crops in five days from the gathering and storing thereof, give bond with security to institute a suit contesting the arrear, the distress shall be withdrawn; but may be renewed, if the suit be not filed in fifteen days, against the property

of

of both defaulter and surety, or of either, after demand from the surety. *Beng.* 1793 *R* 17. § 9. A. D. 1793

5. The same, if a defaulter, who has given security, give such new security; or if the original surety dispute the arrear; but the surety is released from his engagement, if his property be distrained in any other case, and the property or its value shall be restored with costs; in all other cases the surety is to be sued in the Adaulut. *Beng.* 1793 *R.* 17. § 10 Rescinded 1795 R. 45 §

6 The person deputed to make the attachment shall have a written authority, signed and sealed by the principal, specifying the arrear and the date of its being due, a copy of which he shall, on making the attachment, deliver to the defaulter with an endorsement of the property distrained and the place where lodged, and a notice of sale within fifteen days from the attachment, or from the gathering and storing of crops, or, in the absence of the defaulter, shall fix up at the house a copy of the authority and endorsement and notice: in case of the deputed person not having such authority, or not giving such notice, the distrainer shall make good the property with costs, and the arrear shall be forfeited *Beng.* 1793 *R.* 17 § 8 *Ben* 1795 *R.* 45. § 8 *Ced Prov* (with notice of an immediate sale) 1803 *R.* 28 § 8 Modified 1795 R. 25 § 8 Modified 1799 R. 7 § 4

7 The responsibility of a tenant's surety is not in any degree diminished by the attachment of the defaulter's property. *Beng.* 1793 *R* 17 § 5 *Ben* 1795 *R.* 45. § 5. *Ced Prov* 1803 *R* 28. § 5.

8 Distrainers shall not remove the property out of the limits of the Pergunna, but keep the property on the premises or as near as possible. *Beng.* 1793 *R.* 17. § 12. *Ben* 1795 *R.* 45 § 10 *Ced. Prov* 1803 *R* 28. § 10

9. They shall cause attached crops to be reaped in due season and stored in proper barns on the premises, or as near as possible *Beng* 1793 *R* 17 § 13. *Ben.* 1795 *R.* 45. § 11. *Ced. Prov.* 1803 *R.* 28. § 11.

10 They shall feed distrained cattle, and not work them, nor use distrained property. *Beng.* 1793 *R.* 17. § 14. *Ben.* 1795 *R.* 45. § 12. *Ced. Prov* 1803 *R.* 28 § 12.

11 And shall make good all damages to the property arising through theft, loss or injury by weather, or otherwise, from want of proper precaution in keeping it. *Beng* 1793 *R.* 17. § 15. *Ben* 1795 *R.* 45. § 13. *Ced. Prov.* 1803 *R.* 28. § 13.

12. The expense of reaping and storing crops shall be paid out of the sale of the property if sold, or by the defaulter, if he redeem it. *Beng.* 1793 *R.* 17. § 13 *Ben.* 1795 *R.* 45. § 11. *Ced. Prov.* 1803 *R* 28 § 11.

13. Also the expense of feeding distrained cattle. *Beng.* 1793 *R.* 17. § 14. *Ben.* 1795 *R.* 45 § 12. *Ced. Prov.* 1803 *R.* 28. § 12.

A. D. 1793 14. Any person, taking a fraudulent assignment of distrained property from the defaulter, shall restore the property and pay damages equal to half its value and costs. *Beng.* 1793 *R.* 17. § 18. *Ben.* 1795 *R.* 45. § 16. *Ced. Prov.* 1803 *R.* 28. § 16.

Modified 1793 *R.* 7 § 9 15. A defaulter, resisting distress, or removing distrained property either forcibly or clandestinely, shall be imprisoned, with all his abettors, until the property be restored, or the arrear and expenses and costs liquidated by distress and sale of other property, or otherwise. *Beng.* 1793 *R.* 17. § 19. *Ben.* 1795 *R.* 45. § 17. *Ced. Prov.* 1803 *R.* 28. § 17. *C.* 1.

16. Any other person, clandestinely removing the distrained property, shall be imprisoned till he restore the property or its value, and pay damages equal to its value and costs. *Beng.* 1793 *R.* 17. § 20. *Ben.* 1795 *R.* 45. § 18. *Ced. Prov.* 1803 *R.* 28. § 18.

17. Salt, advances and implements belonging to the Company, in the hands of a manufacturer of salt shall not be distrained. *Beng.* 1793 *R.* 29. § 19. *C.* 2.

18. Nor the cloth, thread and advances in the hands of a weaver. *Beng.* 1793 *R.* 31. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 37. § 9. *C.* 2. *Ben.* 1805 *R.* 4. § 2.

Rescinded 1795 *R.* 36 § 2 19. Sureties, who shall have bound themselves after distress for the defaulter's instituting a suit to dispute the arrear, are liable, if the defaulter shall not institute such suit, to distress for the arrear. *Beng.* 1793 *R.* 17. § 10.

20. Nominal sureties, who are in fact farmers in fictitious names, are liable to distress for the arrear. *Beng.* 1793 *R.* 17. § 17. *Ben.* 1795 *R.* 45. § 25. *Ced. Prov.* 1803 *R.* 28. § 25.

A. D. 1795 21. Sections 9 and 10 of Regulation 17 of 1793 are rescinded. *Beng.* 1795 *R.* 35. § 2.

22. The authority for distraining may be signed only, instead of being both signed and sealed. *Beng.* 1795 *R.* 35. § 3. *Ben.* 1795 *R.* 45. § 8. *Ced. Prov.* 1803 *R.* 28. § 8.

23. In Benares the corps of the Betaye lands may also be distrained; and tenants, deeming themselves aggrieved thereby, may apply to the Adaulat. *Ben.* 1795 *R.* 45. § 30.

A. D. 1799 24. The necessity of demanding the arrear from the tenant and also from his surety is rescinded: distress may be levied for an arrear not paid on demand, on the property of the tenant or of his surety or of both, with or without notice to the surety; and, if the tenant have absconded, the surety's property may be distrained without a previous demand from the tenant. *Beng.* 1799 *R.* 3 § 3. *Ben.* 1800 *R.* 5. § 3. *Ced. Prov.* 1803 *R.* 28. § 8.

25. Tenants resisting the attachment, or removing the property attached, shall, on proof in Court, pay twice the amount in damages; and the property may be again attached: if such resistance be attended by any breach of the peace, the offenders shall be prosecuted before the Criminal Courts; and in such cases Police officers shall go to the spot, apprehend the offenders, and support the legal powers of distrainers: if property be sold notwithstanding a claim by a third person, such claimant shall, on proof of property, recover its value and damages: but no claim of purchase or mortgage on crops shall bar the claim to rent for the ground on which the crops grew. *Beng.* 1799 *R.* 7. § 9. *Ben.* 1800 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 28. § 17. *C.* 2. 7 & 8. 1799

26. Distrainers, in the notices to defaulters, shall notify an immediate sale of the property, instead of fifteen days required by Section 8, Regulation 17 of 1793, unless the arrear and expenses be previously paid. *Beng.* 1799 *R.* 7. § 4. *Ben.* 1800 *R.* 5. § 4. *Ced. Prov.* 1803 *R.* 28. § 8.

IV. SALE OF THE DISTRESS.

1. Between the fifth and eighth days from the attachment, or from the storing of ungathered crops, the Cazee, on application of the distrainer, shall have the property appraised on oath by two appraisers, and shall affix at the Pergunna Cuchery the appraisement and a list of the property with a notice of the sale for the fifteenth day from the attachment, or from the gathering and storing of crops. *Beng.* 1793 *R.* 17. § 22. A. D. 1793 Re-enacted 1795 R. 45 § 5

2. The property shall be brought to the Cuchery for sale on the morning of the day; (or if it be grain, &c. samples shall be brought:) the sale shall commence at noon, in one lot or more according to the Cazee's discretion, and it shall be sold to the highest bidder; surplus proceeds shall be paid to the defaulter; and, for deficiencies in the proceeds, further property may be distrained: distrainers, selling property in any other mode, shall forfeit the arrear, and make good the property or its value: the Cazee shall audit the expenses attending the attachment and sale. *Beng.* 1793 *R.* 17. § 22. ditto

3. The property is to be paid for before removal; and, on failure of payment within five days, the property shall be re-sold on a day fixed by the Cazee; and the purchaser is to forfeit fifteen per cent on the resold property, and pay any loss and expenses of the resale: any profit accruing thereon shall go to the defaulter. *Beng.* 1793 *R.* 17. § 26. ditto § 7

4. The Cazee shall be cast in damages and costs, for unfair practices in the appraisement or sale; and shall be reported to the Sudder Dewannee Adaulut for dismission from his office by order of Government. *Beng.* 1793 *R.* 17. § 43. *Ben.* 1795 *R.* 45. § 21. *Ced. Prov.* 1803 *R.* 28. § 21.

5. A Cazee, purchasing any part of the property at the sale, shall be similarly reported; and he, or appraisers so purchasing, shall forfeit the purchase money to the defaulter,

A. D. 1793 faulter, and restore the property or its value with costs; and a distrainer, so purchasing, shall forfeit the arrears and restore the property or its value with costs. *Beng.* 1793 *R.* 17. § 24. *Ben.* 1795 *R.* 45. § 22. *Ced. Prov.* 1803 *R.* 28. § 22.

6. Neither the defaulter, nor any person on his behalf, shall purchase any of the distrained property. *Beng.* 1793 *R.* 17. § 25. *Ben.* 1795 *R.* 45. § 23. *Ced. Prov.* 1803 *R.* 28. § 23.

7. In the absence of the Cazee, the Tehsildar, or any person whom the Court may invest with the authority, may act in the appraisement and sale of distrained property. *Beng.* 1793 *R.* 17. § 29. *Ben.* 1795 *R.* 45. § 27. *C.* 1. *Ced. Prov.* 1803 *R.* 28. § 27. *C.* 1.

8. Distress upon the property of the Company's weavers and salt workers shall be notified to the Commercial or Salt Agent within three days. *Beng.* 1793 *R.* 17. § 31.

A. D. 1795 9. The Cazee, on receipt of an application from a distrainer between the fifth and eighth days from the attachment or gathering and storing, shall cause the property to be appraised by two competent persons; who shall certify, at the foot of the appraisement, the truth of it; and he shall affix at the door of his house, and at the place of sale, the paper of appraisement, the list of property, and a notice of the sale for the fifteenth day from the attachment or gathering and storing. *Beng.* 1795 *R.* 35. § 5. *Ben.* 1795 *R.* 45. § 20. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 1.

Modified 1799 R. 7. 4

10. The property (or if it be grain &c. samples of it) shall be brought on the appointed day, to the place of sale, and shall be sold in one lot or more, in the Cazee's discretion, to the highest bidder; any surplus shall be paid to the defaulter; and, for any deficiency, further property may be attached; the sale is to be made at the place where the property is lodged, or at some place of public resort, during the hours of business; the Cazee shall audit the distrainer's account of expenses: distrainers, selling property in any other mode, shall forfeit the arrear, and make good the property or its value. *Beng.* 1795 *R.* 35. § 5. *Ben.* 1795 *R.* 45. § 20. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 1.

11. No property shall be taken away till paid for; and, on failure of payment within five days, the property shall be resold on a day fixed by the Cazee; and the first purchaser shall forfeit ten per cent on the price of the resold property, and pay the loss and expenses of the resale; any profit on it shall belong to the defaulter. *Beng.* 1795 *R.* 35. § 7. *Ben.* 1795 *R.* 45. § 24. *Ced. Prov.* 1803 *R.* 28. § 24.

12. Native Commissioners of Lawsuits are authorized to execute the powers vested in Cazees for the sale of distrained property; and the Judges may appoint other persons also, if more be necessary: any of these, if distraining for rents due to themselves, must

apply

apply to some other authorized person. *Beng.* 1795 *R.* 35. § 8. *Ben.* 1795 *R.* 45. A. D. 1800
§ 27. *C.* 2. *Ced. Prov.* 1803 *R.* 28. § 27. *C.* 3.

13. Distrainers shall notify, in the notices to defaulters, an immediate sale of the property; and, if the defaulter, on receipt of the notice, shall not pay the amount due nor give assurance of early payment, the distrainer shall apply to the Cazee. *Beng.* 1799 *R.* 7. § 4. *Ben.* 1800 *R.* 5. § 4. *Ced. Prov.* 1803 *R.* 28. § 8.

14. Who shall fix as early a day, not less than five days from the attachment or from the storing of crops, as may be compatible with a due observance of all requisites, to be notified by beat of drum on one market day at least before the day of sale. *Beng.* 1799 *R.* 7. § 4. *Ben.* 1800 *R.* 5. § 4. *Ced.* 1803 *R.* 28. § 20. *C.* 1.

15. The notice required of a distress on the property of the Company's weavers' shall be made, as soon as possible, either to the Agent or to the officer of the factory to which the defaulter belongs; and the property shall not be sold till a sufficient time have been allowed for the officer to pay the demand. *Beng.* 1799 *R.* 7. § 4.

16. Cazees &c. shall receive a commission of one Anna on each Rupee of the proceeds of the sale; but no commission, if the sale do not take place: and they shall be liable to dismission and damages for all collusion and misconduct. *Beng.* 1799 *R.* 7. § 5. *Ben.* 1795 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 2.

17. Such Cazees only, as are Commissioners of lawsuits, or may be specially appointed for the purpose, are empowered to sell distrained property. *Beng.* 1799 *R.* 7. § 6. *Ben.* 1800 *R.* 5. § 6. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 3.

18. Such Cazees and other persons, thus specially appointed, are to receive special Sunnuds. *Beng.* 1799 *R.* 7. § 6. *Ben.* 1800 *R.* 5. § 6. *Ced. Prov.* 1803 *R.* 28. § 27. *C* 2.

19. Commissioners of lawsuits and Tehsildars need not have Sunnuds, and shall continue to act while they retain their offices, and the special Commissioners are not to be deprived without sufficient cause proved to the satisfaction of the Sudder Dewannee Adaulut: the rules of Regulation 40. of 1793, for the appointment of Commissioners of lawsuits, are to be observed in regard to these special Commissioners. *Beng.* 1799 *R.* 7. § 7. *Ben.* 1800 *R.* 5. § 7. *Ced. Prov.* 1803 *R.* 28. § 27. *C.* 4.

20. Similar appointments are to be made for the cities of Dacca, Patna and Moorshedabad. *Beng.* 1799 *R.* 7. § 8.

21. The same for the city of Benares. *Ben.* 1800 *R.* 5. § 8. A. D. 1800

DIVISION OF LANDED ESTATES.

I. *WHEN A DIVISION MAY TAKE PLACE.*

A. D. 1793 1. The division of land is to be under superintendence of the Collectors of revenue. *Beng.* 1793 *R.* 2. § 8. *C.* 8. *R.* 25. § 2. *Ben.* 1795 *R.* 5. § 7. *C.* 8. *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 8. *R.* 26. § 30.

2. Sharers in a joint estate, if dissatisfied, may obtain a division of their lands and an allotment of their shares. *Beng.* 1793 *R.* 8. § 26. *Ben.* 1795 *R.* 2. § 17. *C.* 1. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 4.

3. All private divisions of estates must be notified to the Collector, that he may apportion the revenue; otherwise the whole estate will remain liable for the public revenue. *Beng.* 1793 *R.* 1. § 10. *Ben.* 1795 *R.* 27. § 7. *Ced. Prov.* 1803 *R.* 25. § 37. *Conq. Prov.* 1805 *R.* 9. § 27.

4. All the heirs of a deceased landholder, or any two or more, may hold the estate or their shares of it joint and undivided; or one, or more, or all, of such heirs may call for a division of the estate or for the separate possession of their shares. *Beng.* 1793 *R.* 11. § 3. *Ben.* 1795 *R.* 44. § 3.

Modified 8.1 R. 1913 5. The Collector, on receiving a signed application from all the proprietors of a joint estate, sealed, signed and attested by four witnesses, is to forward it to the Board of Revenue who may authorize the division; the expense of which is to be borne by each proprietor in the proportion of his share. *Beng.* 1793 *R.* 25. § 3. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 25. § 31.

ditto 6. And similarly on a similar application from one or more proprietors of a joint estate; in which case the expense shall be borne by the proprietor calling for a division. *Beng.* 1793 *R.* 25. § 4. *C.* 1. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 32. *C.* 1.

7. The Collector, on receiving a precept of the Zilla Court to divide an estate, is to send a copy of it to the Board and proceed to the division. *Beng.* 1793 *R.* 25 § 4. *C.* 2. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 32. *C.* 2.

8. If the share of the party applying for a division be denied by the other proprietors in a writing sealed and signed and attested by two witnesses, the division shall not be made until he prove his right in the Civil Court; or until they withdraw their denial by a similar writing attested by four witnesses. *Beng.* 1793 *R.* 25. § 5. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 33.

9. If any sharer in an estate under division be a disqualified landholder, the Collector is to report it to the Court of Wards; who shall be careful that the rights of such

person

perſon be duly attended to, although he ſhould not be liable to their juriſdiction even after the diviſion. *Beng.* 1793 *R.* 25. § 26. ext. *Ben.* 1795 *R.* 26. § 6. *C.* 2. *Ced. Prov.* 1803 *R.* 26. § 57. Modified 1801 R. 1 § 13

10. In caſe of dividing an eſtate held Khas or farmed, the ſeveral ſharers will ſtand in the ſame predicament as landholders whoſe eſtates are held Khas or farmed in conſequence of their having declined to engage for them. *Beng.* 1793 *R.* 1. § 11. *C.* 3. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 3. *Conq. Prov.* 1805 *R.* 9. § 28. *C.* 3.

11. The whole of the eſtate is to be held anſwerable for the public revenue, until the diviſion be finally adjuſted and the proprietors be put into diſtinct poſſeſſion. *Beng.* 1793 *R.* 25. § 28. ext. *Ben.* 1795 *R.* 26. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 26. § 58.

12. All leaſes, not repugnant to the Regulations, are to remain in force notwithſtanding a diviſion of the eſtate. *Beng.* 1793 *R.* 44. § 3. *Ben.* 1795 *R.* 50. § 3. *Ced. Prov.* 1803 *R.* 47. § 3.

13. A fee of one quarter per cent on the annual Jumma is payable on the regiſtry of the diviſion of an eſtate paying revenue to Government. *Beng. Ben.* 1797 *R.* 15. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 23. § 9. *C.* 2. A. D. 1797

14. And of two and half per cent on the annual produce of rent-free eſtates. *Beng. Ben.* 1797 *R.* 15. § 2. *C.* 3. *Ced. Prov.* 1803 *R.* 23. § 9. *C.* 3.

15. The fee is payable, in the caſe of revenue lands, by the parties bound to pay the charges of the diviſion, in their ſeveral proportions; and, in rent-free lands, by the parties in whoſe names the property is regiſtered. *Beng. Ben.* 1797 *R.* 15. § 7. *Ced. Prov.* 1803 *R.* 23 § 14.

16. The fee ſhall be levied by the proceſs for recovering arrears. *Beng. Ben.* 1797 *R.* 15. § 5 *Ced. Prov.* 1803 *R.* 23. § 12.

17 Parties not producing, after written requiſition from the Collector, accounts for calculating the annual produce of rent-free eſtates, may be fined daily by the Board till compliance. *Beng. Ben.* 1797 *R.* 15. § 4. *Ced. Prov.* 1803 *R.* 23. § 11.

18. The fee on any diviſion of an eſtate ſhall not exceed 100 Rupees. *Beng. Ben.* 1797 *R.* 15. § 6. *Ced. Prov.* 1803 *R.* 23. § 13.

19. The Collectors are to grant receipts for all fees under this Regulation, and carry them to the credit of Government. *Beng. Ben.* 1797 *R.* 15. § 9. *Ced. Prov.* 1803 *R.* 23. § 16.

20. Diviſions of dependant Talooks are to be regiſtered in the Cutchery of the Zemindaree; and no diſtribution of a Talookdaree Jumma ſhall be valid, nor exonerate the A. D. 1799

A. D. 1799 the whole estate from responsibility, without the written concurrence of the Zemindars. *Beng.* 1799 *R.* 7. § 15. *C.* 8.

A. D. 1800 21. Applications to the Board or the Collectors for the division of estates shall be on stampt paper of one Rupee, or of eight, four, or two Annas, according to the size of the paper. *Beng. Ben.* 1800 *R.* 7. § 25.

A. D. 1801 22. Regulation 25 of 1793, for the division of estates, applies only to estates held in common tenancy: such parts of it only, as relate to the allotment of the Jumma, apply to portions of estates consisting of specific Mehals. *Beng. Ben.* 1801 *R.* 1. § 12. *Ced. Prov.* 1803 *R.* 26. § 60.

23. The Collector, on receiving an application for a division from all the proprietors of an estate, shall immediately proceed to make the division reporting it to the Board. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 2. *Ced. Prov.* 1803 *R.* 26. § 31.

24. And also, on an application from one or more of the proprietors, unless any other proprietor shall deny such party's right, in which case the Collector shall wait a decision on the claim. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 3. *Ced. Prov.* 1803 *R.* 26. § 32. *C.* 1.

II. *RULES FOR FORMING THE DIVISION.*

A. D. 1793 1. In making the division, each share shall be formed of entire contiguous villages as far as local circumstances permit. *Beng.* 1793 *R.* 25. § 7. ext. *Ben.* 1795 *R.* 26 § 2. *Ced. Prov.* 1803 *R.* 26. § 35.

2. Or should that not be practicable, by such a division of the villages as may make each share compact. *Beng.* 1793 *R.* 25. § 23. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 53.

3. The advantages and disadvantages of situation with respect to ponds, rivers, soil, embankments, and water courses, are to be impartially considered. *Beng.* 1793 *R.* 25. § 8. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 36.

4. Places of worship held in common are to be continued on the former footing, unless the parties signify in writing their consent to a different arrangement. *Beng.* 1793 *R.* 25. § 11. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 39.

5 Water-courses, tanks, reservoirs, and embankments are to remain attached to the land for the benefit of which they were made. *Beng.* 1793 *R.* 25. § 10. ext. *Ben.* 1795 *R.* 26. § 2. *Ced Prov.* 1803 *R.* 26. § 38.

6. A dwelling-house belonging to one sharer, if situated in a village allotted to another sharer, shall remain to the proprietor on his paying rent for the ground. *Beng.* 1793 *R.* 25. § 9. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 37.

7.

7. The assessment on each share is to be adjusted according to the Regulations. *Beng.* 1793 *R.* 25. § 8. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 36.

8. And is to be apportioned without any regard to the engagements subsisting between the proprietors and dependent Talookdars, farmers or Rayats. *Beng.* 1793 *R.* 44. § 3. *Ben.* 1795 *R.* 50. § 3. *Ced. Prov.* 1803 *R.* 47. § 3.

9. In lands of which the settlement has been made with the proprietor, the assessment of each share shall bear the same proposition to its produce, as the Jumma of the whole estate does to the produce of the whole. *Beng.* 1793 *R.* 1. § 10. *C.* 4. *Ben.* 1795 *R.* 27. § 7. *C.* 4. *Ced. Prov.* 1803 *R.* 25. § 37. *C.* 4. *Conq. Prov.* 1805 *R.* 9. § 27. *C.* 4.

10. In lands held Khas or farmed, the sharers will be admitted to the management of the lands on agreeing to such assessment as may be required of them, in conformity to the Regulations. *Beng.* 1793 *R.* 1. § 11. *C.* 3. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 3. *Conq. Prov.* 1805 *R.* 9. § 28. *C.* 3.

11. The Collector is to appoint an Ameen for making the division, with a proper establishment, reporting the amount and particulars to the Board for approval. *Beng.* 1793 *R.* 25. § 12. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 40.

12. And shall previously administer to the Ameen a prescribed oath. *Beng.* 1793 *R.* 25. § 13. *C.* 1. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 41. *C.* 1.

13. And give him a Sunnud under signature and seal, particularizing the proportion of each share, and a copy of the Regulations by which he is to guide himself, and copies of the entries in the registers relating to the estate. *Beng.* 1793 *R.* 25. § 14. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 42.

14. An Ameen, convicted of corruption in the Civil Court, shall repay the sum with a fine of three times the amount, to be recovered by imprisonment of his person, or by sale of his property. *Beng.* 1793 *R.* 25. § 13. *C.* 2. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 41. *C.* 2.

15. The Ameen, on his arrival on the spot, is to survey in person the different parts of the estate for the purpose of selecting the lands of each share. *Beng.* 1793 *R.* 25. § 15. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 43.

16. And the proprietors are to furnish him with all accounts and information required. *Beng.* 1793 *R.* 25. § 16. *C.* 1. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 44.

17. And shall swear to their truth, or, with the sanction of the Collector, make a solemn declaration to their truth; and proprietors, omitting to furnish the accounts re-

A. D. 1793 quired, shall be liable to the penalty of a daily fine, at the discretion of Government, till they furnish the accounts. *Beng.* 1793 *R.* 25. § 16. *C.* 2. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 45.

18. And they shall, under similar penalty, cause the Putwarries &c. to attend with all requisite accounts: Putwarries refusing to produce accounts shall be dealt with as provided in Section 62, Regulation 8. *Beng.* 1793 *R.* 25. § 17. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 46.

19. When the division is completed, the Ameen is to deliver the record of it with all papers, accounts, and observations, to the Collector. *Beng.* 1793 *R.* 25. § 18. ext. *Ben.* 1795 *R.* 26. § 2. *Ced Prov.* 1803 *R.* 26. § 47.

20. Proprietors, unable to attend the Ameen, are to depute a Vakeel duly authorized. *Beng.* 1793 *R.* 25. § 27. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 56.

Modified 1801 R. 1 § 13

21. The Collector, after examining the Ameen's papers, and any objections of the parties, shall form a paper of partition, a copy of which he shall give to the parties, and shall transmit it to the Board, with any objections offered by the parties; and the Board may confirm or alter the division and allotment, reporting to Government; or may order further inquiries. *Beng.* 1793 *R.* 25. § 19. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 48. *C.* 1.

ditto

22. The Board's decision shall be communicated, through the Collector, to the parties; who may, within six weeks, present to the Collector or to the Board an appeal therefrom to Government, specifying the grounds of objection. *Beng.* 1793 *R.* 25. § 20. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 49.

ditto

23. On the parties acquiescing in the Board's decision by a writing signed and sealed and attested by four witnesses; or not appealing within the limited time; or on receipt of Government's decision in appeal, the Collector is to give the parties possession of their respective shares and make the necessary entries in the registers as prescribed by the Regulations. *Beng.* 1793 *R.* 25. § 21. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 50.

24. If the parties wish to make the division themselves, or to leave the adjustment thereof to arbitrators, and shall give a petition to this effect to the Collector signed and sealed and attested by four witnesses, and shall enter into arbitration bonds, the allotment is to be made by themselves or their arbitrators, under the superintendence of the Ameen; to whom all the accounts are to be produced and who is to submit all the documents to the Collector. *Beng.* 1793 *R.* 25. § 22. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 52.

25.

25. To prevent partiality &c. proprietors of equal shares shall draw lots for the division; unless they shall settle among themselves and specify their respective shares in a writing sealed and signed and attested by two witnesses. *Beng.* 1793 *R.* 25. § 24. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 54. Modified 1801 R. 1 § 13

26. If any fraud or error in apportioning the Jumma shall be discovered within three years, Government will order a new allotment, and cause the under-assessed party to pay to the other the excess which shall have been received from him; which shall be recoverable by the process for recovering revenue arrears. *Beng.* 1793 *R.* 25. § 25. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 55.

27. In case of dividing an estate held Khas or farmed, the Tehsildar or farmer shall produce all accounts &c. to the Ameen. *Beng.* 1793 *R.* 25. § 29. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 59.

28. Divisions of dependant Talooks are to be registered in the Cuchery of the Zemindaree; and no distribution of a Talookdaree Jumma shall be valid, or exonerate the responsibility of the whole estate, without the written consent of the Zemindar. *Beng.* 1799 *R.* 7. § 15. *C.* 8. A. D. 1799

29. If the true accounts of an estate be not forthcoming, or the accounts produced shall be found to have been fabricated, or the Collector should have reason to suspect the accuracy of the accounts produced, and he shall have obtained by other means satisfactory and accurate accounts, he shall accordingly adjust the assessment on the shares. *Beng. Ben* 1801 *R.* 1. § 8. A. D. 1801

30. But no assessment is to be deemed final until sanctioned by the Board. *Beng. Ben.* 1801 *R.* 1. § 8. *Ced. Prov.* 1803 *R.* 26. § 48. *C.* 2.

31. Who may make any necessary alterations therein. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 4. *Ced. Prov.* 1803 *R.* 26. § 48. *C.* 2.

32. Nor any new allotment for the correction of frauds or errors: and in case of abatement, not till sanctioned by Government. *Beng. Ben.* 1801 *R.* 1. § 12 *Ced. Prov.* 1803 *R.* 26. § 60.

33. The Collector, immediately after receipt of the Ameen's report, shall form the statement of the partition, and deliver a copy to each sharer; and shall put the parties in possession (sending a copy and translation to the Board) if all the sharers deliver their acquiescence in writing attested by four witnesses; or if no objections be made in fifteen days from the delivery of the copy to the sharers: the Board may make alterations for the better allotment of the Jumma, and it shall not be deemed conclusive until sanctioned by the Board. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 4. *Ced. Prov.* 1803 *R.* 26. § 48. *C.* 2.

A. D. 1801. 34. If any objections be offered within fifteen days, the Collector shall not put the parties in possession, but shall transmit to the Board their objections, with the partition paper and the Ameen's report, and every other information, and with translations thereof. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 5. *Ced. Prov.* 1803 *R.* 26. § 48. *C.* 3.

35. The decision of the Board need not be transmitted to Government, except in appealed cases or abatements of Jumma. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 5. *Ced. Prov.* 1803 *R.* 26. § 48. *C.* 2.

36. The appeal to Government must be made in one month from the date of communication of the Board's decision to the parties. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 5. *Ced. Prov.* 1803 *R.* 26. § 49.

37. The Collector, in case of the Board confirming the partition, may give possession notwithstanding an appeal; subject to the final decision of Government. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 5. *Ced. Prov.* 1803 *R.* 26. § 50.

38. Objections presented to the Board after fifteen days, and appeals from the decision of the Board after one month, shall not be received without good cause shown for the neglect. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 6. *Ced. Prov.* 1803 *R.* 26. § 51. *C.* 1.

39. Groundless objections and appeals may be punished by fine by order of the Board or of Government: such fine is to be recovered by the process for recovery of arrears. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 7. *Ced. Prov.* 1803 *R.* 26. § 51. *C.* 2.

40. Parties, impeding the division by any wilful act, may be fined by Government on report of the Collector and Board; such fine to be levied by the process for recovery of arrears: daily fines are to commence from the day of their first notification to the party, or from any other date fixed in the order of Government or of the Board or of the Collector. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 8. *Ced. Prov.* 1803 *R.* 26. § 51. *C.* 3.

41. The rules of Regulation 25 of 1793, which direct a compact division of the lands, and the selection of lands of equal value &c. are not to be applied to portions of estates consisting of specific Mehals: in such cases the provisions respecting the adjustment of the assessment, the production and examination of accounts, the responsibility of the whole estate until the distribution of Jumma have been finally determined, the power of ordering a new allotment of assessment on proof within three years of fraud or error, and the provisions of Section 8 of this Regulation, are alone applicable. *Beng. Ben.* 1801 *R.* 1. § 12. *Ced. Prov.* 1803 *R.* 26. § 60.

DONIES.

A. D. 1800. 1. Donies shall not land nor ship cargoes till payment of, or security for, the pilotage duties. *Beng.* 1800 *R.* 11. § 17.

2.

2. Donies, exporting from Calcutta without a Government pilot, shall pay a duty of one Rupee per hundred Maunds burthen; not to exceed sixty Rupees on any one Dony. *Beng.* 1801 *R.* 7. § 2. A. D. 1801

3. It is to be paid to the Marine Paymaster on certificate of the measurement from the Master Attendant; the Marine Paymaster will give a certificate of payment, until production of which the Collector of Customs shall not grant a port clearance. *Beng.* 1801 *R.* 7. § 3.

4. Donies, departing without payment, shall be stopped and reported to the Board of Trade by the Master Attendant; and, if satisfied of an intention to evade the duty, the Board shall levy double duty and not permit the Dony's departure until payment. *Beng.* 1801 *R.* 7. § 4.

5. The Master Attendant is to cause numbers to be printed on the stern of all Donies. *Beng.* 1801 *R.* 7 § 5.

6. And is to keep a register of them. *Beng.* 1801 *R.* 7. § 6.

DROWNING.

1. In cases of wilful homicide by drowning, when the intention of drowning is evident, the Nizamut Adaulut shall sentence the prisoner to death, whatever be the Futwa, if they judge him convicted and not an object of mercy. *Beng. Ben* 1799 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 1. A. D. 1799

2. Persons, who wilfully and in the intention of taking away life, shall throw, or cause to be thrown, an unadult person into the sea or a river or any other water, with or without his consent, and such person shall in consequence perish, are to be sentenced on conviction to death: and all parties aiding or abetting shall be deemed accomplices in murder. *Beng. Ben.* 1802 *R.* 6 § 2. A. D. 1802

3. If the person, thrown into the water, escape alive, all parties concerned shall on conviction be punished by the Courts of Circuit for a high misdemeanor. *Beng. Ben.* 1802 *R.* 6. § 3.

4. The Magistrates are to be careful in preventing such practices, and in proclaiming this Regulation at such times and places, when and where such practices have been usual. *Beng. Ben.* 1802 *R.* 6. § 4.

DUKHIN TRADE.

1. The following rules at the Mirzapoor mart were passed in April and December 1788 and April 1790. *Ben.* 1795 *R.* 3. § 16. *C.* 1. A. D. 1795

2. And are in force so far as they are not repealed nor altered by, nor inconsistent with, any later Regulation. *Ben.* 1795 *R.* 22. § 89.

A. D. 1795 3. 1st; The examination of goods imported by land by the Dukhin merchants is to take place on their arrival at the south, or Dukhin, gateway of the mart. *Ben.* 1795 *R.* 3. § 16. *C.* 2.

4. 2d; The import duty of 5 per cent on the valuation in the book of rates shall be paid in proportion to the sales; and Ruwanas granted in the names of the importer. *Ben.* 1795 *R.* 3. § 16. *C.* 3.

5. 3d; Goods, imported into the mart on Ruwanas specifying the Benares duties to have been paid, may be exported to the Dukhin on Chorchitties: goods not so imported must have a Ruwana on exportation. *Ben.* 1795 *R.* 3. § 16. *C.* 4.

6. 4th; Cocoanuts with or without the bark shall be considered as the same and passed as such. *Ben.* 1795 *R.* 3. § 16. *C.* 5.

7. 5th; One half of the import duty of 5 per cent is to be paid by the Dukhin merchants, and the other half by the persons to whom they sell the goods in the mart; but if a Dukhin merchant carry his goods out of the mart furth r into the district for sale, he shall pay the whole duty. *Ben.* 1795 *R.* 3. § 16. *C.* 6.

8. 6th; Cotton shall be valued at eight Rupees per Maund instead of twelve Rupees, the former rate. *Ben.* 1795 *R.* 3. § 16. *C.* 7.

9. An establishment was formed in March 1788, for the protection of the Dukhin trade to Mirzapoor, and declared responsible for all robberies within the assigned limits; and is paid, since March 1790, from the Mirzapoor Custom-house. *Ben.* 1795 *R.* 22. § 80.

DURESS.

A. D. 1793 1. Magistrates are to take special care, that persons, when apprehended, are not corporally punished, nor otherwise ill treated, under pretence of compelling them to answer truly to questions that may be put to them. *Beng.* 1793 *R.* 9. § 6. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 6.

2 Landholders and farmers are prohibited confining or corporally punishing any under-farmer, tenant &c. to enforce payment of rent, under pain of damages on suit in the Civil Court, or of a criminal prosecution for assault and false imprisonment. *Beng.* 1793 *R.* 17. § 28. *Ben.* 1795 *R.* 45. § 26. *Ced. Prov.* 1803 *R.* 28. § 26.

A. D. 1795 3. A Magistrate in Benares, on receiving sworn information of a Koorh established by any Brahmen, or of any Brahmen being prepared to wound or kill his women and children, on account of any discontent, or any other account, shall serve on him through his relations or through a Brahmen Peon, a written notice in the native languages to desist, with promise of redress: should his non-compliance be returned by the person

serving

ferring the notice, the Magistrate is to issue a warrant for his apprehension, which shall be served by Muhamedan Peons; and on its appearing, that the misdemeanor was committed, and that the prisoner was concerned as principal or accomplice, shall commit him for trial before the Court of Circuit. *Ben.* 1795 *R.* 21. § 2. A.D. 1795

4. If he escape or conceal himself, all land held by him in mortgage, farm or property, shall be attached by precept of the Magistrate to the Collector, till he surrender himself: the proceeds of the property during attachment shall be paid to the person against whom the Koorh was established. *Ben.* 1795 *R.* 21. § 5.

5. If the Koorh be established in resistance to process on a revenue demand of Government, the process shall not be enforced; but the Tehsildar shall report the occurrence to the Collector, with the deposition of the Peon; and the Collector shall represent the case, through the Vakeel of Government, to the Magistrate, who will then proceed as above: the proceeds shall be paid to Government, and the attachment shall further continue until liquidation of the demand. *Ben.* 1795 *R.* 21. § 6.

6. The Court of Circuit, on such a Brahmen's conviction, shall sentence the principal to a fine equal to his annual income estimated by the best information procurable; and all accomplices, to a fine equal to one fourth thereof: and all the offenders shall be confined till payment of the fine, or security for the payment in six months; and previously to their release, shall give security for future good behaviour. *Ben.* 1795 *R.* 21. § 3.

7. All such sentences shall be sent in ten days to the Nizamut Adaulut, who may order mitigation or restoration of the fine; but till receipt of the Nizamut Adaulut's sentence, the sentence of the Circuit Court shall be in full force and carried into execution. *Ben.* 1795 *R.* 21. § 4.

8. If any person shall be burnt or lose his life in such a Koorh established against the officers of Government, the Court of Circuit shall sentence to death the person who constructed the Koorh, as also the persons who set fire, or aided in setting fire, to the Koorh, whether consistent with the Futwa, or not: and shall send the trial to the Nizamut Adaulut, who may confirm the sentence, commuting death into transportation in the case of Brahmens, or recommend to Government pardon, commutation, or mitigation. *Ben.* 1795 *R.* 21. § 7.

9. And the same sentence, reference and commutation, if the Brahmen should actually kill any child or woman in resentment to the officers of Government or to an individual; and the family of such Brahmen, who actually kills any child or woman, shall be sentenced to banishment from Benares, and their lands forfeited: but the Court of Circuit is first to report to the Nizamut Adaulut a list of the family, with an opinion on the propriety of enforcing this part of the punishment: the Nizamut Adaulut may confirm the sentence or recommend mitigation to Government, without whose sanction no forfeiture shall take place. *Ben.* 1795 *R.* 21. § 9.

10.

A. D. 1795 10. If the Governor General in Council, ſhould order the baniſhment of part of the family, the forfeiture ſhall be remitted and the property ſhall be left to thoſe members of the family who are not baniſhed. *Ben.* 1795 *R.* 21. § 10.

11. If the Brahmen ſhould wound any child or woman in reſentment to the officers of Government or to an individual, the Court of Circuit ſhall ſentence the offender to tranſportation; ſending the trial to the Nizamut Adaulut, who may confirm or recommend as above. *Ben.* 1795 *R.* 21. § 8.

Modified 1799 R. 8 § 6 12. On a ſworn complaint againſt a Brahmen in Benares &c. for ſitting Dhurna, the Magiſtrate ſhall apprehend him; and on the reſult of an inquiry into the alleged offence, either commit him for trial before the Court of Circuit or releaſe him. *Ben.* 1795 *R.* 21. § 11. *C.* 2. ext. *Beng.* 1797 *R.* 5. § 3. *Ced. Prov.* 1804 *R.* 3. § 9. *C.* 2.

13. The Court of Circuit, after completing the trial in the uſual mode, ſhall require from the Pundit an expoſition of the law whether the offence amount to Dhurna or not; if the Pundit reply in the affirmative, the Court ſhall ſentence the offender to be baniſhed from Benares, and to forfeit all title to the thing in diſpute; referring the trial to the Nizamut Adaulut, without whoſe order confirming or mitigating the baniſhment and forfeiture of claim, no ſuch ſentence ſhall be executed. *Ben.* 1795 *R.* 21. § 11. *C.* 2.

Modified 1799 R. 6 § 6 14. If the Pundit reply in the negative and the Court ſhall think the party guilty, the Court may take an engagement for him, that, if again guilty of any act deemed Dhurna by the Court, he ſhall be liable to all the penalties of conviction. *Ben.* 1795 *R.* 21. § 12.

A. D. 1797 15. The Magiſtrates in Bengal, Behar and Oriſſa are to publiſh a prohibition againſt the practice of Dhurna: proclamation of it is to be made by beat of drum in each Police juriſdiction; and the Police officers are to certify the mode of publication, which certificate is to be produced to the Court of Circuit on any trial for this offence. *Beng.* 1797 *R.* 5. § 2. *Ced. Prov.* 1804 *R.* 3. § 9. *C.* 1.

16. On any charge of Dhurna being preferred, the Magiſtrates are to proceed according to Clauſe 2, Section 11, Regulation 21 of 1795. *Beng.* 1797 *R.* 5 § 3. *Ced. Prov.* 1804 *R.* 3. § 9. *C.* 2.

17. On a trial for ſitting Dhurna, the Court of Circuit in Bengal &c. after proof that the publication, prohibiting ſuch practice, has been duly made in the local juriſdiction, ſhall examine the evidence, and tranſmit the trial to the Judges at the Sudder Station, who ſhall refer it to the Pundit; and, if he declare the offence to be Dhurna, ſhall ſentence the priſoner to forfeit all title to the claim in diſpute, and to pay a fine to Government

vernment not exceeding 1000 Rupees, and in aggravated cases, to be confined in the Dewannee jail not more than twelve months; and shall give their warrants to the Magistrate for executing the sentence. *Beng.* 1797 *R.* 5. § 4. *Ced. Prov* 1804 *R.* 3. § 10 *C.* 1. A. D. 1797

18 They shall at the same time fix a definite period of confinement as an equivalent for the fine, at the expiration of which the prisoner shall be released though the fine be unpaid *Beng* 1797 *R.* 14. § 3. *C.* 2.

19. The Muchulka, directed to be taken in Benares by Section 12, Regulation 21 of 1795, shall in Bengal &c. specify the above punishment on conviction of a second offence. *Beng.* 1797 *R.* 5. § 5. *Ced. Prov.* 1804 *R.* 3. § 10. *C.* 2.

20 All persons in Benares, as well as Brahmens, are liable to Sections 11 and 12 of Regulation 21 of 1795, for sitting Dhurna. *Ben.* 1799 *R* 8. § 6. A. D 1799

21 The Pundit is not to restrict himself to the definition of Dhurna in the Shaster, but is to include every sort of duress, whatever be the technical name. *Beng Ben.* 1799 *R* 8 § 6 *Ced Prov* 1804 *R* 3 § 10. *C.* 3.

EMBANKMENTS.

I. *PRIVATE.*

1 Embankments, tanks, reservoirs, and water-courses, shall be considered as attached to the land for the benefit of which they were made *Beng* 1793 *R.* 25. § 10 ext. *Ben* 1795 *R* 26 § 2 *Ced. Prov.* 1803 *R* 26 § 38 A. D. 1793

2. In making the division of a joint estate, the state of the embankments and water-courses is to be considered, as far as they may affect the present, or may be likely to influence the future, value of the lands *Beng* 1793 *R.* 25 § 8. ext *Ben.* 1795 *R.* 26. § 2 *Ced Prov.* 1803 *R.* 26. § 36.

3 In making the division of a joint estate, where it may be found necessary to continue works of this nature as the joint property of two or more proprietors, the paper of partition shall specify the proportion of benefit which each is to derive, and that of expense in repairs with which each is to be charged *Beng.* 1793 *R* 25. § 10. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov* 1803 *R.* 26. § 38.

4. Advances may be made to landholders, farmers &c for repairing, making or enlarging embankments &c. *Beng.* 1793 *R.* 33 § 8. ext *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 8.

5. The applications for such advances, with every specification of the nature of the work, amount of advance required, and period when it will be completed, and the security tendered for due performance, (if the party applying be not the proprietor of the land,

A. D. 1793 land, no security being required from proprietors ;) shall be made to the Collector in writing. *Beng.* 1793 *R.* 33. § 9. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 9.

6. The Collector shall forward the application with his opinion to the Board of Revenue; who may authorize the Collector to make the advance on the party's executing the prescribed engagements. *Beng.* 1793 *R.* 33. § 11. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 11.

7. Parties and their sureties are to execute an engagement binding themselves to repay the advances with twelve per cent interest, and with twenty-five per cent penalty if the work be not completed in the limited period or if the money be otherwise appropriated. *Beng.* 1793 *R.* 33. § 10. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 10.

8. The Board may receive a similar application in the first instance, and order the Collector to comply with it on the prescribed deeds being executed. *Beng.* 1793 *R.* 33. § 14. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 14.

9. When the stipulated period shall have arrived, the Collector shall order the Tehsildar or officer of Government on the spot, or depute a person, to survey and report on the execution of the work; and should the work not have been completed, the Collector shall levy the penalty, sending information to the Board. *Beng.* 1793 *R.* 33. § 12. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 12.

10. Unless good cause should be shown for the non-completion; in which case the Collector shall report to the Board, who may allow a further time for the completion. *Beng.* 1793 *R.* 33. § 15. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 15.

11. The Collectors are to transmit to the Board such periodical reports on the execution of such works, and at such periods, as the Board may require. *Beng.* 1793 *R.* 33. § 13. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 13.

Re-enacted 794 R. 3 § 8

12. Advances on this account are to be recovered by the same process with revenue arrears. *Beng.* 1793 *R.* 14. § 40. *Ben.* 1795 *R.* 6. § 46. *Ced. Prov.* 1803 *R.* 27. § 43.

A. D. 1794

13. Advances to private persons for embankments are to be recovered by the rules for recovery of revenue arrears. *Beng.* 1794 *R.* 3. § 8. *Ben.* 1795 *R.* 6. § 46. *Ced. Prov.* 1803 *R.* 27. § 43.

A. D. 1795

14. The rules of Regulation 49 of 1793, respecting boundary disputes, are extended in Benares to all disputes between Zemindars &c. regarding tanks or reservoirs, and water-courses or wells. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 7.

15. When lands are held Amanee in Benares, the Collector is to propose to the Board such improvements, as may appear practicable by the construction of embank-

ments

ments and water-courses. *Ben.* 1795 *R.* 6. § 17. *C.* 2. *Ced. Prov.* 1803 *R.* 27. § 17. *C.* 2. A. D. 1795

16. Such advances are to be repaid by the landholders previous to their being restored to their estates. *Ben.* 1795 *R.* 6. § 17. *C.* 3. *Ced. Prov.* 1803 *R.* 27. § 17. *C.* 3.

17. The Committees of embankments are vested with a control over the embankments repaired by the Zemindars and farmers; and may, by Perwanna, or through the Collector, call upon any Zemindar or farmer to make repairs deemed necessary: in the event of his neglecting to do so, the Committee shall submit an estimate of the expense to the Governor General in Council, and the disbursement shall be made by the officers of Government: the accounts of such repairs shall be submitted through the Civil Auditor to the Governor General in Council; and the expense, when sanctioned, shall be recovered from the Zemindar or farmer. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 11. A. D. 1806

18. Persons, desirous of making a cut through a private embankment, must apply to the Zemindar or farmer, who will decide on the application; and, in case of his refusal, such person may further apply to the Committee: any person, infringing this rule, will be liable to the same penalties as for making a cut through a public embankment, and to suit for damages. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 13.

II. *PUBLIC EMBANKMENTS.*

1. The superintendence of public embankments, which are repaired at the expense of Government, and of private embankments in estates temporarily under the charge of Government, is vested in the Collectors. *Beng.* 1793 *R.* 33. § 2. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 2. A. D. 1793 Modified 1806 R. 6 § 2 &c.

2. Who are to report annually to the Board, in due season, the state of them and an estimate of the requisite repairs; and the Board shall submit the same to Government, with their opinion, whether the work should be performed by a professional person. *Beng.* 1793 *R.* 33. § 3. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44 § 3. ditto

3. On receiving the orders of Government to that effect, the Board shall order the Collector to commit the work to a careful person. *Beng.* 1793 *R.* 33. § 4. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 3. ditto

4. Or if a professional person should be employed, he is to survey the work and send a report and estimate to the Board for the approbation of Government: but where the Board shall deem it expedient, they may authorize the commencement of the repairs by a professional person or by the Collector, without waiting for the report and estimate, or for the sanction of Government thereto. *Beng.* 1793 *R.* 33. § 5. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 5. ditto

5.

A. D. 1793 Modified 1806 R 6 § 2 &c.

5. The person, employed by the Collector, is to make a weekly report of workmen employed, of wages, tools &c. and of progress in the work. *Beng* 1793 *R.* 33. § 4. ext. *Ben.* 1795 *R.* 46. § 2 *Ced. Prov* 1803 *R.* 44. § 4.

ditto

6. The professional person employed is to sign a daily or weekly return of workmen employed, for payment by an officer who is to be appointed by the Collector; and he is to indent for tools &c. on the Collector, who is to procure them at the lowest price. *Beng.* 1793 *R.* 33 § 6. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 6.

ditto

7. The Collectors are to prepare two copies of the expenditure on all such works in English and a native language; one copy to be deposited in the Zilla Cutchery, and one for transmission to the Board. *Beng.* 1793 *R.* 33 § 7. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44 § 7.

A. D. 1806

8. Sections 2 to 7, Regulation 33 of 1793, and Sections 2 to 7, Regulation 44 of 1803, are rescinded. *Beng Ben Ced. Prov.* 1806 *R* 6. § 2.

9. The charge of the public embankments and superintendence of the repairs shall be entrusted to Committees consisting of the Magistrate, Collector, Commercial Resident, and such other local public officers as the Governor General in Council may nominate. *Beng. Ben Ced Prov.* 1806 *R.* 6. § 3.

10 The senior servant at the station shall be President; and the Register of the Zilla shall be Secretary of such Committee. *Beng Ben Ced. Prov.* 1806 *R.* 6. § 4.

11. The Committee is to furnish Government, as soon as practicable after the rains in each year, with an estimate of the expense required for the necessary repairs. *Beng. Ben. Ced Prov.* 1806 *R.* 6. § 5. *C.* 1.

12 Such estimates shall be prepared by the Collector, and submitted to the Committee, with all necessary information from the executive officers or other persons *Beng. Ben Ced. Prov* 1806 *R.* 6. § 5. *C.* 2.

13. For which purpose the Collector may require the assistance of the executive officer and of all his subordinate officers *Beng. Ben. Ced Prov.* 1806 *R.* 6. § 5 *C.* 3.

14. An annual meeting of the Committee, not later than the end of the month of December, shall be summoned by the Secretary for considering the estimates *Beng. Ben. Ced. Prov* 1806 *R.* 6. § 5 *C.* 4.

15 Any person, unable to attend the Committee, shall state to the Secretary the reason of his absence, which shall be transmitted to the Governor General in Council with the report and estimate. *Beng. Ben Ced. Prov.* 1806 *R.* 6. § 5. *C.* 6.

16. The Committee is to submit, with the estimate, any suggestions deemed necessary for the preservation of the embankments. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 5 *C.* 5.

17.

17. The annual accounts of the repairs are to be prepared by the Collector, with the assistance of the executive officers; or by such other Member of the Committee, as the Governor General in Council may direct. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 6.

18. Such accounts shall be taken into consideration by the Committee, at the annual or at a special meeting, or in circulation. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 7.

19. And shall be transmitted to the Civil Auditor, who will submit them with his observations to the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 8.

20. In those parts of the country, where Committees cannot be formed, the duty entrusted to Collectors shall be performed by the Salt Agents or any other persons nominated by Government; and the duty entrusted to the Committee shall be performed by the Board of Revenue. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 9.

21. Previously to the annual meeting, one or more of the Members of the Committee shall be deputed to examine in person the state of the embankments; and the observations and suggestions of such deputation shall be submitted to the Governor General in Council with the estimates. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 10.

22. The following rules are established with respect to making cuts and water-courses through the public embankments. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 12. *C.* 1.

23. Sluices of masonry shall be constructed where deemed necessary; and the Committee shall report whenever they deem such sluices necessary. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 12. *C.* 2.

24. Such sluices shall only be opened by the Darogha or native officer. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 12. *C.* 3.

25. And if, at any time, a water-course be required where sluices are not constructed, the application must be made through the Darogha to the executive officer, who will give what orders he may deem proper or apply to the Committee. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 12. *C.* 4.

26. In deciding on such applications, consideration shall be given not only to the advantage which the party applying may derive from it, but also the injury which other persons may sustain from it. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 12. *C.* 5.

27. Any person, making cuts through a public embankment, shall be liable to punishment by the Magistrate; or shall be referred to the Court of Circuit. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 12. *C.* 6.

A. D. 1806 28. And shall be liable to suit for damages in Civil Courts. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 12. *C.* 7.

ESCAPE.

A. D. 1799 Modified 1803 R. 53 § 9 C. 1 1. Convicts, sentenced to imprisonment by Courts of Circuit or the Nizamut Adaulut, but escaping during the period of their imprisonment from the place of their confinement, or from the place where they may be employed, shall on reapprehension be liable to transportation by order of the Nizamut Adaulut for the remainder of their sentence or for a longer period. The Magistrates are to report to the Nizamut Adaulut their proceedings on the escape and reapprehension of such convicts, with their opinion whether the transportation should be extended beyond the period of the original sentence. *Beng. Ben.* 1799 *R.* 2. § 5. *Ced. Prov.* 1803 *R.* 8. § 22.

Modified 1805 R. 8 § 14 C. 5 2. All guards, having the custody of convicts who escape, shall be dismissed from the service, on proof before the Magistrate of wilful neglect; and shall be committed for trial before the Court of Circuit, if any connivance or further criminality appear against them. *Beng. Ben.* 1799 *R.* 2. § 6. *Ced. Prov.* 1803 *R.* 8. § 23.

A. D. 1803 3. Convicts, who escape during the period of their imprisonment, shall on their reapprehension be committed for trial before the Court of Circuit; and, on their conviction, shall be liable to such further punishment, as they may be adjudged to, under the circumstances of the case. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 9. *C.* 1.

4. Any convict, transported to any place beyond sea, under sentence of transportation for life, who shall escape from the place of transportation and return without permission into the territories under the Presidency of Bengal, shall on conviction be sentenced to suffer death. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 9. *C.* 2.

A. D. 1805 5. When a Magistrate considers a military guard, whether from a regular corps or a provincial battalion, to have been guilty of conniving at a prisoner's escape or attempt to escape, he shall make him over to the military power to be tried by Martial law. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 5. *Beng. Ben.* 1806 *R.* 11. § 10. *C.* 2.

EUROPEANS.

I. *BRITISH SUBJECTS.*

A. D. 1793 1. British subjects, except King's Officers and Company's Servants Civil or Military, are amenable to the Courts of Judicature so far as to be prevented from residing at a greater distance than ten miles from Calcutta, till they execute a bond in a prescribed form making themselves amenable to the Zilla Court in all suits to be instituted against them by natives as far as 500 Rupees. *Beng.* 1793 *R.* 3. § 9. *R.* 28. § 2. ext. *Ben.* 1795 *R.* 7. § 7. *R.* 24. § 2. *Ced. Prov.* 1803 *R.* 2. § 6. *R.* 18. § 2.

2.

2. The bond is to be executed in open Court, or, during the adjournment of the Court, before the Judge out of Court. *Beng.* 1793 *R.* 28. § 4. ext. *Ben.* 1795 *R.* 24. § 2. *Ced. Prov.* 1803 *R.* 18. § 4. A. D. 1793

3. British subjects, removing into the jurisdiction of another Court, are to execute a new bond; and, not attending for the purpose before the Judge in ten days from their arrival, shall be summoned. *Beng.* 1793 *R.* 28. § 5. ext. *Ben.* 1795 *R.* 24. § 2. *Ced. Prov.* 1803 *R.* 18. § 5.

4. And refusing when summoned, shall be required by the Judge to repair to Calcutta; and not complying with this requisition, shall be sent to Calcutta under restraint. *Beng.* 1793 *R.* 28. § 6. ext. *Ben.* 1795 *R.* 24. § 2. *Ced. Prov.* 1803 *R.* 18. § 6.

5. A specific form is prescribed for the bond. *Beng.* 1793 *R.* 28. § 3. ext. *Ben.* 1795 *R.* 24. § 2. *Ced. Prov.* 1803 *R.* 18. § 3.

6. British subjects are amenable, for criminal acts, only to the Supreme Court in Calcutta. *Beng.* 1793 *R.* 9. § 19. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. Re-enacted 1796 R. 2 § 2

7. On a criminal charge being sworn against a British subject, the Magistrate shall apprehend him; and, if there appear ground for committing him, shall send him to a Judge of the Supreme Court, binding over the prosecutor and witnesses to appear at the trial, and reporting to the Nizamut Adaulut the case and any pecuniary assistance which he would recommend for them. *Beng.* 1793 *R.* 9. § 19. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. ditto with modifications

8. British subjects, or other persons, not amenable to Civil Courts, wishing to sue in a Zilla or City Court, in behalf of themselves or of any other person, one who is amenable thereto, are to execute a bond to abide by the decision of the Court: if such bond be not executed, the plaint shall not be received. *Beng.* 1793 *R.* 28. § 7. ext. *Ben.* 1795 *R.* 24. § 2. *Ced. Prov.* 1803 *R.* 18. § 7. Modified 1797 R. 14 § 2

9. British subjects, convicted to the satisfaction of Government of being concerned in any illicit dealings in opium, shall forfeit the Company's protection and be sent to Europe. *Beng.* 1793 *R.* 32. § 4. *Ben.* 1795 *R.* 32. § 3. Re-enacted 1799 R. 6 § 18

10. Or convicted to the satisfaction of Government of the illicit importation of salt: besides other specified penalties. *Beng.* 1795 *R.* 52. § 19. A. D. 1795

11. British subjects, purchasing or procuring natives of either sex for the purpose of exporting them for sale as slaves, are declared by the proclamation of 22d July 1789 liable to prosecution in the Supreme Court at the expense of Government and to be sent to Europe. *Ben.* 1795 *R.* 22. § 14.

12.

A. D. 1796 12. British subjects are amenable, for criminal acts, only to the Supreme Court at Calcutta. *Beng. Ben.* 1796 *R.* 2. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 19. *C.* 1.

Modified 1806 R. 16 § 6 13. If a British subject be charged with a crime before a Magistrate, the latter, if he have qualified for Justice of Peace, shall apprehend him; and, on sufficient grounds appearing, shall commit him for trial before the Supreme Court, and send him with a warrant to the Calcutta Sheriff, binding over the prosecutor and witnesses to appear at the trial. *Beng. Ben.* 1796 *R.* 2. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 6. § 19. *C.* 2.

Modified 1806 R. 16 § 3 to 5 14. If the Magistrate have not qualified, he shall, on grounds appearing by a summary inquiry, apprehend the accused and bind over the prosecutor and witnesses to attend at the trial, and send him in custody to Calcutta, with two witnesses to the alleged facts, reporting the case and names of witnesses to the Nizamut Adaulut, who shall instruct the Company's Attorney to take measures for his commitment and trial. *Beng. Ben.* 1796 *R.* 2. § 2. *C.* 3. *Ced. Prov.* 1803 *R.* 6. § 19. *C.* 3.

15. The prosecutor and witnesses, if indigent, may be assisted with two Annas per diem during their attendance and journey. *Beng. Ben.* 1796 *R.* 2. § 3. *Ced. Prov.* 1803 *R.* 6. § 19. *C.* 4.

A. D. 1797 16. The penalties of Section 4, Regulation 32 of 1793, and Section 3, Regulation 32 of 1795, are extended to the importation of opium from foreign countries *Beng. Ben.* 1797 *R.* 1. § 8.

17. A new form is prescribed for the bond which British subjects suing natives are required to execute by Section 7, Regulation 28 of 1793. *Beng. Ben.* 1797 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 18. § 7.

A. D. 1799 18. British subjects residing in Silhet by license of Government are free to trade with the frontier Khasias. *Beng.* 1799 *R.* 1. § 2.

19. They are to execute a bond rendering themselves amenable to the Court for complaints to any amount by the Khasias; and, if they refuse to execute such bond, may be ordered to Calcutta by Government on report from the Judge. *Beng.* 1799 *R.* 1. § 7.

20. British subjects, convicted to the satisfaction of Government of illicit trade in opium, shall, besides other penalties, forfeit the Company's protection and be sent to Europe. *Beng. Ben.* 1799 *R.* 6. § 18. *Ced. Prov.* 1803 *R.* 41. § 11.

A. D. 1800 21. British subjects, residing with license in Benares, may excavate stones in the quarries of Chunar, Mirzapoor, and Ghazeepoor, subject to the restrictions imposed by this Regulation. *Ben.* 1800 *R.* 2. § 2.

A. D. 1805 22. European British subjects, residing within the settlements of Chandernagore and Chinsura, if charged before the Magistrate with any criminal offence, shall be proceeded against under Section 2, Regulation 2 of 1796. *Beng.* 1805 *R.* 16. § 12.

23. When a Magistrate, who has qualified as Justice of Peace, commits a British subject for trial before the Supreme Court, for any criminal offence, he shall transmit the original depositions with translations to the Clerk of the Crown; and copies with translations to the Secretary in the Judicial Department for the information of the Governor General in Council; who, in aggravated cases, will order the prosecution to be conducted at the public expense by the Law Officers of Government. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 2. A. D. 1806

24. When a Magistrate, who has not so qualified, shall, after necessary inquiries, be of opinion, that there are grounds for bringing to trial before the Supreme Court a British subject for a criminal offence not bailable, he shall send the accused in safe custody to the Calcutta Justices of Peace, with witnesses, and a letter requesting the Justices to bring him to trial before the Supreme Court; and shall send copies and translations of the depositions to the Secretary, for the determination of Government as above. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 3.

25. And when such a Magistrate receives a charge for a bailable offence against a British subject, he shall explain to the complainant the course to be pursued for obtaining redress by application to the Calcutta Justices or the Grand Jury; and, after calling on the accused for his reply, shall report the case to the Governor General in Council, with his opinion whether the expense of the prosecution should be defrayed by Government; and the Governor General in Council will determine accordingly. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 5.

26. The report of such cases to the Nizamut Adaulut is superseded. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 4.

27. Whenever any British Subject shall die within the jurisdiction of a City or Zilla Judge, and no will shall be found among his effects, the Judge shall make an immediate report to the Register of the Supreme Court, and retain the property until letters of administration shall have been obtained by that officer or by any other person, or probate of a will shall be granted to any person; when the property is to be delivered to such person. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 6.

II. *NOT BRITISH SUBJECTS.*

1. All Europeans, not British subjects, are amenable to the Courts of Dewannee Adaulut. *Beng.* 1793 *R.* 28. § 8. ext. *Ben.* 1795 *R.* 24. § 2. *Ced. Prov.* 1803 *R.* 18. § 8. A. D. 1793

2. They are amenable to, and may be brought to trial by, the Courts of Criminal Judicature, for criminal acts. *Beng.* 1793 *R.* 9. § 19. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 19. *C.* 1. Re-enacted 1795 R. 2 § 2

A. D. 1796 3. They are amenable, like natives, to, and may be brought to trial by, the Magistrates and Courts of Circuit for criminal acts. *Beng. Ben.* 1796 *R.* 2. § 2. *Ced. Prov.* 1803 *R.* 6. § 19 *C.* 1.

A. D. 1805 4. Charged with crimes committed within the settlements of Chandernagore and Chinsura, they are subject to the provisions of the Regulation. *Beng.* 1805 *R.* 16. § 12.

5. If such an European, resident within those settlements, be charged with crimes committed without those settlements, the Magistrate shall apprehend him and deliver him to the Magistrate in whose jurisdiction the offence may have been committed. *Beng.* 1805 *R.* 16. § 13.

6. If the punishment, prescribed by the Muhamedan law for any offence committed by such Europeans or their descendants, should be more severe than the punishment in force when the settlement came into the possession of the British Government, the punishment shall be regulated by the law then in force. *Beng.* 1805 *R.* 16. § 3. *C.* 4.

III. *BRITISH SUBJECTS AND OTHERS.*

A. D. 1793 1 Europeans shall not be admitted by the Collectors of Revenue to farm land directly or indirectly; nor to be security for any farmer and tenant. *Beng.* 1793 *R.* 2. § 17. *Ben.* 1795 *R.* 5. § 17. *Ced. Prov.* 1803 *R.* 25. § 16.

2. Nor by the Board of Revenue without the sanction of Government. 1793 *R.* 2. § 46.

3. Nor to buy, rent or occupy any land out of Calcutta, without such sanction; and may be dispossessed, without compensation for buildings &c. from any land now or hereafter occupied without such sanction. *Beng.* 1793 *R.* 38. § 3. *Ben.* 1795 *R.* 48. § 3. *Ced. Prov.* 1803 *R.* 19. § 3.

4. And the Collector shall report to the Board all Europeans occupying land without such sanction. *Beng.* 1793 *R.* 38. § 5. *Ben.* 1795 *R.* 48. § 5.

5. They shall not be permitted to have possession of, or concern in, the rents of any land mortgaged to them. *Beng.* 1793 *R.* 38. § 4. *Ben.* 1795 *R.* 48. § 4 *Ced. Prov.* 1803 *R.* 19. § 4.

6. When an European is permitted by Government to occupy land, the Collector shall measure it for him at his expense. *Beng.* 1793 *R.* 38. § 5. *Ben.* 1795 *R.* 48. § 5. *Ced. Prov.* 1803 *R.* 19. § 5.

7. And shall report annually to the Board a list of the names of Europeans occupying land in the Zilla, the extent of the land, and the purposes to which it is applied. *Beng.* 1793 *R.* 38. § 6. *Ben.* 1795 *R.* 48. § 6. *Ced. Prov.* 1803 *R.* 19. § 6.

8.

8. The Calcutta Custom Master is not to permit the cargo to be landed from any ship, until he receive from the Master Attendant the list of Europeans on board, as required by the orders of 25th June 1788. *Beng.* 1793 *R.* 42. § 33. A. D. 1793 Regulation 1793 R. 42 § 8

9. Europeans employed under Salt Agents, if guilty of receiving perquisites, shall, besides quadruple penalties and dismission, be sent to Calcutta. *Beng.* 1793 *R.* 29. § 12.

10. The Salt Agents are to be responsible, that their Assistants, being Europeans not in the Company's service, appear and answer to, and fulfil the decree in, suits against them; and security shall therefore not be required from them when defendants. *Beng.* 1793 *R.* 29. § 28.

11. In civil suits before the Benares Courts of Judicature, where Europeans are defendants, and the plaintiffs of a different religion, the law of the plaintiff's religion is to be made the rule of decision. *Beng.* 1795 *R.* 8. § 3. *C.* 2. A. D. 1795

12. The Calcutta Custom Master is not to allow the cargo of any ship to be landed, till he receive from the Master Attendant the list of Europeans on board. *Beng.* 1795 *R.* 39. § 8.

13. British subjects residing in Silhet by license of Government, and all other Europeans, are free to trade with the frontier Khasias. *Beng.* 1799 *R.* 1. § 2. A. D. 1799

14. But they shall not supply them with arms or any article of military stores. *Beng.* 1799 *R.* 1. § 3. *C.* 2.

15. Nor attempt any intercourse on the North-west of the Surma river. *Beng.* 1799 *R.* 1. § 3. *C.* 1.

16. All contraband articles in opposition to Clause 2, and any articles exported beyond the Surma in opposition to Clause 1, shall be seized and confiscated; and persons guilty of any contravention hereto, or of misconduct towards the hill people, may be sent to Calcutta at the pleasure of Government, whether British subjects, or Europeans not British subjects, Armenians, Greeks, or any others not natives of Silhet. *Beng.* 1799 *R.* 1. § 4.

17. Persons, aggrieved by any order of confiscation by the Magistrate of Silhet in the frontier trade, shall apply to Government for redress; and with the permission of Government may sue the Magistrate in the Dacca Provincial Court of Appeal. *Beng.* 1799 *R.* 1. § 6.

18. In case of an European dying intestate, and no claimant appearing, the Judge shall take measures for the temporary care of the property, and advertise in the Calcutta Gazette for claimants; should any person appear and prove his right, the Judge shall deliver him the property; if no claimants appear in twelve months, an inventory of the Modified 1800 R. 14 § 6

property

A. D. 1799 property and a report of the case shall be sent to Government. *Beng. Ben.* 1799 *R.* 5. § 7. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 7.

A. D. 1800 19. Distilleries of Europeans or their descendants, for the purpose of exportation, not for retail sale, are exempt from tax; subject, however, to a license from the Board of Revenue specifying a pecuniary penalty for any breach of the condition, besides confiscation of the liquor. Europeans are not to receive such licenses, who have not the permission of Government to remain in the country and to reside in the particular district. *Beng. Ben.* 1800 *R.* 6. § 33.

A. D. 1802 20. Such distilleries are be licensed by the Justices of Peace acting as Magistrates for Zilla Twenty-four Pergunnas. *Beng. Ben.* 1802 *R.* 2. § 2.

21. Europeans establishing, without license from the Magistrate of Zilla Twenty-four Pergunnas, a shop out of Calcutta for the sale of spirits made according to the European process, shall forfeit 500 Rupees. *Beng. Ben.* 1802 *R.* 2. § 22.

A. D. 1803 22. Europeans, whether British subjects or subjects of a foreign state, are prohibited from purchasing any salt at the public sales in the provinces ceded by the Nuwab Vizeer to the Company, under pain of confiscation of the salt and of being otherwise dealt with as the Governor General in Council may judge proper. *Ced. Prov.* 1803 *R.* 39. § 19.

A. D. 1804 23. And, under similar penalty, are prohibited from trading in salt either in the Ceded or Conquered Provinces or in the province of Benares. *Ben. Ced. Prov.* 1804 *R.* 6. § 5.

A. D. 1806 24. The Courts, on taking charge of the property of a British subject dying intestate, shall make an immediate report to the Register of the Supreme Court, and shall deliver possession of the property to that officer or to any person producing letters of administration. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 6.

IV. *SPECIAL RULES IN BENARES.*

A. D. 1795 1. British subjects and other Europeans, in Benares, were restricted on the 20th March 1794 from obtaining by sale or otherwise, without the sanction of Government, any more land than they already occupied, from which however they were not to be dispossessed without the Resident's order. 1795 *R.* 33. § 2.

2. And on the 22d March 1795, the Amils were prohibited from receiving through Europeans the revenue of any land. *Ibid* § 3.

3. The following rules passed by Government respecting the cultivation of indigo by Europeans in Benares, are enacted into a Regulation. *Ibid* § 1.

4. Rules of 23d May 1794. *Ibid* § 4. *C.* 1.

5. 1st; All existing bonâ fide leases, obtained before 20th March 1794, shall remain in force, till they expire; but not beyond the decennial settlement. *Ibid C.* 2.

6. 2d; Leases, since obtained, are void; and the lessees are to be dispossessed. *Ibid C.* 3.

7. 3d; No new leases shall be entered into, under penalty of the European being sent to Calcutta. *Ibid C. 4.*

8. 4th; After the expiration of the decennial settlement no European shall hold land beyond fifty Begas. *Ibid C. 5.*

9. 5th; British subjects, and the native servants of Europeans, are prohibited, under penalties, from seizing on any thing which they may want, and from using compulsion on sellers. *Ibid C. 6.*

10. 6th; Also from pressing any artificers. *Ibid C. 7.*

11. 7th; And from cutting down trees without the consent of the owner. *Ibid C. 8.*

12. 8th; They are prohibited from confining any Rayats. *Ibid C. 10.*

13. 9th; The indigo planters shall keep at each Court a regular Vakeel. *Ibid C. 9.*

14. 10th; And shall bind themselves to obey all Regulations under penalty of being sent to Calcutta. *Ibid C. 11.*

15. 11th; All Europeans, taking up their abode in Benares without the sanction of Government, shall be sent to Calcutta. *Ibid C. 12.*

16. 12th; The Resident and Amils were directed to afford encouragement to the manufacture, but without using official influence to compel the Rayats to cultivate indigo against their inclination. *Ibid § 5.*

17. 13th; And provided the trade in it could be carried on without prejudice to individuals and to the good order of the country. *Ibid. d 6.*

18. Rules of 4th July 1794. *Ibid § 7. C. 6.*

19. Land, obtained by Europeans on fair and voluntary engagements, may be measured to them, if not liable to objection, under any of the following restrictions. *Ibid § 7 C. 1.*

20. 1st; The lease must be from the Pottahdar of Government, and not from any of the subordinate Putteedars. *Ibid C. 2.*

21. 2d; The lease shall not be for more than a suitable Rayatee tenure, in proportion to the whole ground included in the Pottah of Government. *Ibid C. 3.*

22. 3d; The lease of a Pottahdar for the land of a Khodkasht Rayat is not valid without the concurrence of the Rayat. *Ibid C. 4.*

A. D. 1795 23. 4th; A lease by an Amil is subject to the same restrictions with a lease by a Pottahdar, and must have the consent of the Canongoes. *Ibid C.* 5.

24. Rules of the 12th July 1794. *Ibid* § 8. *C.* 1.

25. 1st; Pottahdars and Amils are alone competent to lease land to Europeans. *Ibid C.* 2.

26. 2d; Pottahdars shall not lease the lands of Khodkasht Rayats without their consent *Ibid C.* 3.

27. Rules of 22d July 1794. *Ibid* § 9. *C.* 1.

28. 1st; Europeans may take leases from the Khodkasht Rayats or from distinct Putteedars. *Ibid* § 9. *C.* 1.

29. 2d; The Canongoes are to fix the money rent payable by the Rayats and Putteedars on lands thus rented for indigo, if they formerly paid their rents to the Pottahdar or Amil in kind. *Ibid* § 9. *C.* 2.

30. All authorities, vested in the Resident for the enforcement of the above rules, are transferred to the Zilla and City Courts. 1795 *R.* 33. § 10.

EXACTIONS.

A. D. 1793 Re-enacted 1799 *R.* 6 § 12 1. Landholders, exacting more than the established rents from the opium tenants, shall be amerced in equitable damages. *Beng.* 1793 *R.* 32. § 2. *C.* 15.

2. Exacting more from a dependant Talookdar than what they have a right to impose, shall pay a penalty of double the exaction and costs. *Beng.* 1793 *R.* 8. § 51. *C.* 2. *Ced. Prov.* 1803 *R.* 47. § 6. *C.* 2.

3. Or from an under-farmer more than is specified in his engagement, shall repay it with a penalty of double the amount. *Beng.* 1793 *R.* 8. § 52. *Ced. Prov.* 1803 *R.* 30. § 2.

4. And exacting any new Abwab, shall pay a penalty of three times the amount for the whole period of the exaction. *Beng.* 1793 *R.* 8. § 55. *Ced. Prov.* 1803 *R.* 30. § 5.

5. Persons, exacting any unauthorized Sayer duties, shall forfeit to the party the amount received with costs, and a penalty of double the exaction; and shall be amerced in a heavy fine to Government: such suits shall be heard in ten days or sooner after being filed; and, should sufficient property not be found to realize the fine after payment of the amount receivable by the injured party which shall be recovered in the first instance, the offender may be imprisoned for any period deemed adequate. *Beng.* 1793 *R.* 27. § 11. *Ced. Prov.* 1804 *R.* 11. § 53. 1805 *R.* 6. § 36.

6.

6. Landholders and farmers in Bengal, exacting any forbidden cess or duties, shall be amerced in a penalty of three times the amount. *Ben.* 1795 *R.* 4. § 6. A. D. 1795

7. Also Amils in Benares. *Ben.* 1795 *R.* 4. § 7.

8 And any other persons. *Ben.* 1795 *R.* 4. § 4.

9. The whole penalty shall be paid to the party from whom the exaction was made, on his proving it by suit in Court. *Ben.* 1795 *R.* 4. § 8.

10. Such suits shall be heard in preference to all other suits. *Ben.* 1795 *R.* 4. § 9.

11. The Daroghas of the Custom-house stations shall transmit to the Collector notice of any Chokees being established for making such exactions, and if the party should not, on requisition of the Collector, remove the Chokee, and repay the amount exacted, the Collector shall sue him in the Adaulut. *Ben* 1795 *R.* 4 § 10.

12 Landholders, exacting more than the established rent from the opium tenants, shall be amerced in equitable damages. *Beng. Ben.* 1799 *R* 6 § 12. A. D 1799

EXAMINATIONS.

1. The depositions of witnesses in civil suits are to be taken vivâ voce in open Court. *Beng* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R* 8. § 2. *Ced. Prov.* 1803 *R* 3. § 7. A. D. 1793

2 But female witnesses, whom it would be improper to compel to appear in Court, may be examined, on written interrogatories furnished by the parties or their Vakeels, by three creditable women sworn to execute the commission truly. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8 § 2. *Ced. Prov.* 1805 *R.* 3 § 7.

3 And if witnesses reside out of the Court's jurisdiction at a distance exceeding fifty Cos, the Judge may, by letter to the Judge of the other Zilla, commission him to examine such witnesses on written interrogatories to be transmitted to him. *Beng.* 1793 *R.* 4. § 6 ext. *Ben.* 1795 *R.* 8 § 2 *Ced. Prov.* 1803 *R.* 3 § 7.

4. The Provincial Courts of Appeal may issue similar commissions for examining female witnesses, and similar letters for examining witnesses who reside out of their jurisdiction. *Beng.* 1793 *R* 5. § 19. ext. *Ben.* 1795 *R.* 9. § 6 *Ced Prov.* 1803 *R.* 4 § 19.

5. And the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 17. ext. *Ben.* 1795 *R.* 10. § 2 *Ced. Prov* 1803 *R.* 5. § 17.

6. Depositions shall be taken in the Persian, Bengal or Hindoostanee language, and reduced to writing in the Persian, Bengal or Nagree characters, according as the wit-

ness

A. D. 1793 nefs may defire; and are to be fubfcribed by the witnefs. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8 § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

7. The original depofitions taken in the caufe are to be tranfmitted to the Provincial Courts of Appeal on the caufe being appealed. *Beng.* 1793 *R.* 5. § 13. ext. *Ben.* 1795 *R.* 9 § 6. *Ced. Prov.* 1803 *R.* 4. § 13.

8. And to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 11. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 11.

9. The original depofitions taken before the Arbitrators are to be laid before the Court with the award. *Beng.* 1793 *R.* 16. § 8. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 8.

10. The Courts of Appeal may either examine witneffes vivâ voce in open Court, or authorize their Regifter to fwear the witneffes and take their depofitions in the prefence of the parties or their Vakeels, who may alfo put queftions: but, if parties or their Vakeels, having notice to attend, fhall not attend at the time fixed, the Regifter fhall proceed in the examination. *Beng.* 1793 *R.* 5. § 18. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 18.

11. The fame in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 16. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 16.

12. If a witnefs fhould refufe to give evidence, or to fign his depofition, the Court, on its being proved on oath that the witnefs is material to the caufe, fhall impofe on fuch witnefs a fine not exceeding 500 Rupees, and commit him to clofe cuftody till he confent to give evidence and to fign his depofition. *Beng.* 1793 *R.* 4 § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

13. The Provincial Courts of Appeal may proceed fimilarly. *Beng.* 1793 *R.* 5. § 20. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 20.

14. And the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 18. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5 § 18.

15. If a witnefs refufe to give evidence before a native Commiffioner of lawfuits, the Commiffioner may impofe a fine according to the circumftances of the cafe and the fituation in life of the offender. *Beng.* 1793 *R.* 40. § 9. *C.* 13. ext *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 13.

16. Witneffes refufing to give teftimony before arbitrators, or to fign their depofitions, fhall be fubject to the fame penalties as in Civil Courts, with the written fanction of the Judge on a report by the Arbitrators. *Beng.* 1793 *R.* 16. § 6. ext. *Ben.* 1795 *R.* 15 § 2. *Ced. Prov.* 1803 *R.* 21. § 6.

17.

17. The examinations of parties and witnesses in Civil Courts are to be on oath; and such oaths shall be administered as are most binding on the conscience of the parties; but persons of a rank or cast, which would make it improper to compel them to swear, may be examined on signing a declaration to speak the truth; and if Muhamedans, a second declaration in assurance of their having spoken the truth. *Beng.* 1793 *R.* 4. § 6. ext. *Ben* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7. A. D. 1793

18. The Provincial Courts may similarly dispense with the oaths of such witnesses. *Beng.* 1793 *R.* 5. § 19. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 19.

19. And the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 17. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 17.

20. Prosecutors and witnesses in Criminal Courts are to be examined on oath; but the prisoner is not to be required to swear to the truth of his deposition. *Beng.* 1793 *R.* 9. § 5. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 5.

21. Examinations before a Magistrate are to be on separate papers signed by the deponents and attested by the Magistrate. *Beng.* 1793. *R.* 9. § 15. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 15.

22. And are to be taken and written in the language in which the deponents are most conversant. *Beng.* 1793 *R.* 9. § 16. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 16. Modified 1797 R. 4. § 7

23. The examination of females of rank on criminal trials, if the case admit of its being taken by commission, shall be taken by deputation in the manner prescribed by the Muhamedan law. *Beng.* 1793 *R.* 9. § 48. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 16.

24. The depositions of parties and witnesses in Courts of Circuit, and before Magistrates, are to be taken down in the language and character which the deponent may desire; and the deponent shall read the deposition when finished, or it shall be read to him; and, if he admit it to be correct, he shall sign it; and the Judge or Magistrate &c. shall countersign it. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 1. A. D. 1797

25. The name of the deponent's father, and husband if a married woman, the deponent's religion, cast, profession, age and place of residence, shall be specified. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 4. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 3.

26. Leading questions to witnesses are to be avoided, and they are to be cross-examined by the parties and by the Court. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 3. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 2.

27. Prosecutors and witnesses, identifying stolen property, or instruments of violence found on prisoners, are to be carefully examined; as likewise in all instances of circum-

 stantial

A. D. 1797 ſtantial evidence. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 5. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 4.

28. Witneſſes are to be queſtioned by the Circuit Court reſpecting any difference between the depoſitions in Court and before the Magiſtrate; but the depoſition taken before the Magiſtrate ſhall not be read in preſence of the witneſs, till he ſhall have been re-examined in Court. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 7. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 6.

29. Witneſſes, after being ſworn, and previouſly to examination, are to be ſolemnly admoniſhed to ſpeak the truth. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 6. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 5.

A. D. 1803 30. Zilla and City Judges may employ their Regiſters and Aſſiſtants, or any of their principal native officers, in taking depoſitions of witneſſes; which ſhall be done in open Court, in preſence of the parties or their Vakeels, who ſhall atteſt depoſitions ſo taken: and if any diſpute ſhall ariſe in thus taking the evidence of a witneſs, the Judge ſhall, as ſoon as practicable, inquire into it, in preſence of the witneſs and of the parties or their Vakeels, and paſs an order thereon. *Beng. Ben.* 1803 *R.* 49. § 21. *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 17. *C.* 3.

31. They may alſo, when deemed expedient, authorize the Regiſter by written precept to employ the Aſſiſtants, or any principal native officers, in taking the depoſitions, in ſuits referred to the Regiſters, in the mode and under the reſtrictions above ſpecified; and may at all times revoke ſuch permiſſion. *Beng. Ben.* 1803 *R.* 49. § 21. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 17. *C.* 4.

32. Female witneſſes, whom it would be improper to compel to appear in public, ſhall be examined, in ſuits before native Commiſſioners, by commiſſion as provided by Section 6, Regulation 4 of 1793. *Beng. Ben.* 1803 *R.* 49. § 17. *C.* 1.

33. The Criminal Courts may commit to cloſe cuſtody, and fine as far as 500 Rupees, witneſſes refuſing to give evidence or to ſign their depoſitions. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 2.

34. And may diſpenſe with the oath of witneſſes, (if of a rank or caſt which would make it improper to compel them to ſwear,) on their ſigning a declaration to ſpeak the truth. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 1.

35. And with the oath of a proſecutor of ſuch rank. *Beng. Ben.* 1803 *R.* 50. § 3.

36. Recuſing witneſſes ſhall not be fined in Civil or Criminal Courts, unleſs they perſevere in their refuſal after being a ſecond time called upon, after an interval of not leſs than a day. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 2.

37.

37. And Civil and Criminal Courts shall not dispense with the oath of any party or witness, unless really of such a rank as would make it improper to compel them to swear. *Beng. Ben.* 1803 *R.* 50. § 6. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 7. A. D. 1803

38. Criminal Courts are to examine parties and witnesses on the oaths most binding on their consciences: and Courts both criminal and civil may administer to Hindoos any oath deemed binding, if convenient and practicable, except oaths which rest the credibility of the witness, on the contingency of evil. *Beng. Ben.* 1803 *R.* 50. § 5. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 6.

39. A prosecutor for Government may be examined, without either swearing or subscribing a declaration. *Beng. Ben.* 1803 *R.* 50. § 4. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 5.

EXCHANGE.

I. *BILLS OF EXCHANGE.*

1. In the determination of a Court of Judicature on bills of exchange, the custom of the country is to be abided by. *Beng.* 1793 *R.* 3. § 15. *Ben.* 1795 *R.* 7. § 9. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 3. A. D. 1793

2. Bills of exchange need not be written on stampt paper. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 1. A. D. 1797 Rescinded 1800 R. 7 § 3

3. After 30th September 1800, bills of exchange, for any sum exceeding sixteen Rupees, shall be written on stampt paper paying the following duties; viz: on sums not exceeding sixty-four Rupees, two Annas; on 125 Rupees, four Annas; on 250 Ru-Rupees, eight Annas; on 500 Rupees, one Rupee; on 1000 Rupees, two Rupees; on 2000 Rupees, four Rupees; on sums exceeding 2000 Rupees, eight Rupees. *Beng. Ben.* 1800 *R.* 7. § 3. *C.* 1. A. D. 1800

4. And shall not be received in evidence till stampt. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 1.

5. Unstampt bills of exchange, if produced to the Collector within sixty days with five times the duty, shall be sent by him to the Superintendent of stamps for the proper stamp to be affixed: and shall then be admissible in evidence. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 2.

6. Or after sixty days with ten times the duty. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 3.

7. But in cases of evident ignorance, the Collector shall report the case to the Board of Revenue, who may remit the penalty on proof that no fraud was intended. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 4.

A. D. 1800 8. Persons, signing or causing to be signed an unstampt bill of exchange, shall be fined ten times the duty in addition to the penalty on the holder of the bill: but the Courts may remit the penalty on evident ignorance. *Beng. Ben.* 1800 *R.* 7. § 7.

9. Evasions of the duty, by writing two or more bills for portions of a sum total, shall be similarly punished. *Beng. Ben.* 1800 *R.* 7. § 8.

II. *EXCHANGE OF MONEY.*

A. D. 1793 1. Gold Mohurs of full weight and standard, coined since 20th March 1769, at the Mints of Calcutta, Patna, Dacca or Moorshedabad, and their fractional parts, shall be received at the rate of sixteen Sicca Rupees of the 19th Sun for each Mohur, and native officers of a public Treasury, convicted in a Civil Court of refusing to receive them at that rate, shall be dismissed and cast in damages and costs. *Beng.* 1793 *R.* 35. § 2.

2. All engagements for the Jumma are to contain a clause obliging the landholder or farmer to pay to Government either Sicca Rupees, or the same species of Rupees which they receive from the under farmers or Ravats, at the Bazar rates of Batta, until a sufficient number of Sicca Rupees can be circulated; and Collectors are to insert in their Treasury accounts the rates of Batta at which all Rupees, not Siccas, may be received by them. *Beng.* 1793 *R.* 8. § 42.

3. Until 10th April 1794, the various sorts of Rupees current in the several districts will be received at the public Treasuries, from landholders and farmers, in payment of their revenues, at the rates of exchange specified in the table. *Beng.* 1793 *R.* 35. § 14.

4. One hundred Sicca weight of each sort of Rupees specified in the table, whatever number of Rupees may go to that weight, is to be considered equal to the number of 19 Sun Sicca Rupees placed opposite to it. *Beng.* 1793 *R.* 35. § 15.

5. If any other species of Rupees, besides those specified in the table, be tendered in payment, one hundred Sicca weight is to be sent to the nearest Mint to be assayed; and credit shall be given for the number of 19 Sun Sicca Rupees estimated by the assay to be contained therein, after deducting twelve Annas per cent for refining. *Beng.* 1793 *R.* 35. § 16.

6. Agreements entered into prior to 10th April 1794, stipulating any species of Rupees other than 19 Sun Siccas, may be paid in 19 Sun Siccas at the valuation of the above table. *Beng.* 1793 *R.* 35. § 19.

7. Native officers, refusing before 10th April 1794, to receive at a public Treasury the Rupees mentioned in the said table at the valuation there specified, shall on proof in a Civil

Civil Court be dismissed from office, and adjudged to pay costs and damages to the complainant. *Beng.* 1793 *R.* 35. § 22. A. D. 1793

8. Sicca Rupees of the 19th Sun, deficient in weight from any cause other than wear, or deficient more than six Annas per cent by wear, shall be received according to the following rule. *Beng.* 1795 *R.* 61. § 4. *C.* 1. A. D. 1795

9. For one hundred Sicca weight of such light Rupees, credit shall be given for one hundred 19 Sun Sicca Rupees. *Beng.* 1795 *R.* 61. § 4. *C.* 2.

10. The rates of exchange, heretofore in use for settling the Calcutta Customs, are discontinued, and they are to be settled in future according to the new table. *Beng.* 1800 *R.* 11. § 15. A. D. 1800

11. Until the commencement of the year 1216, the various sorts of Rupees, current in the Provinces ceded by the Nuwab Vizeer to the Company, will be received at the public Treasuries, from landholders and farmers, in payment of their revenues, at the rates of exchange specified in a table of rates, which will be published in a future Regulation. *Ced. Prov* 1803 *R* 45 § 18. *C.* 1. A. D. 1803

12. And Duties of money on account of Government, in any Rupees other than the 45 Sun Lucknow Sicca, shall, until that date, be regulated by the same table. *Ced. Prov* 1803 *R* 45 § 19.

13. The table of rates, when published, shall be fixed up in a conspicuous part of the Furrukhabad Mint and of the Cutcheries of the several Judges, Magistrates and Collectors. *Ced. Prov* 1803 *R* 45 § 18 *C.* 2.

14. One hundred Sicca weight of each sort of Rupees specified, whatever number of Rupees may go to that weight, is to be considered equal to that number of 45 Sun Lucknow Sicca Rupees placed opposite to it. *Ced. Prov* 1803 *R.* 45 § 20.

15. If any species, besides those specified in the table, be tendered in payment, one hundred Sicca weights to be sent to the Furrukhabad mint to be assayed, and credit shall be given for the number of 45 Sun Lucknow Sicca Rupees estimated by the assay to be contained therein, after deducting twelve Annas per cent for refining. *Ced. Prov.* 1803 *R.* 45 § 21.

16. Agreements, entered into prior to the year 1216, stipulating any species of Rupees other than 45 Sun Lucknow Siccas, may be paid in 45 Sun Lucknow Sicca Rupees, at the valuation of the table, or, until publication of the table, at the Bazar rates of Batta. *Ced. Prov.* 1803 *R.* 45. § 24.

17. Native officers, refusing before the year 1216, to receive at a public Treasury the Rupees mentioned in the table, at the valuation there specified or until publication of

A. D. 1803 the table at the Bazar rates of Batta, shall, on proof in a Civil Court, be dismissed from office and adjudged to pay costs and damages to the complainant. *Ced. Prov.* 1803 *R.* 45. § 27.

18. At the formation of any future settlement of the land revenue, the difference between the species of Rupee in which the existing settlement has been made, and 45 Sun Lucknow Siccas, shall be calculated according to the said table, and the settlement shall be concluded for the residue in 45 Sun Lucknow Siccas. *Ced. Prov.* 1803 *R.* 45. § 17. *C.* 1.

19. If a settlement be made previous to the publication of the table and the commencement of the Furrokhabad coinage, a clause shall be inserted binding the landholders or farmers to pay to Government Lucknow Sicca Rupees, or the same species of rupees which they may receive from their under renters, or Rayats, at the Bazar rates of Batta for Lucknow Siccas: if after the commencement of the Furrokhabad coinage and before the publication of the table, at the Bazar rates of Batta for 45 Sun Lucknow Siccas: after the publication of the table and commencement of the Furokhabad coinage, the Lucknow Sicca Rupee shall be received only at its intrinsic value, till the year 1216. The Collectors shall insert in their Treasury accounts the rates of Batta, at which all Rupees, not Lucknow Siccas or 45 Sun Lucknow Siccas, may be received. *Ced. Prov.* 1803 *R.* 45. § 17. *C.* 2.

20. Lucknow 45 Sun Sicca Rupees, which shall have become deficient in weight by any cause other than wear, or deficient more than 6 Annas per cent by wear, shall be received according to the following rule. *Ced. Prov.* 1803 *R.* 45. § 35. *C.* 1.

21. For one hundred Sicca weight of such light Rupees, credit shall be given for one hundred 45 Sun Lucknow Siccas. *Ced. Prov.* 1803 *R.* 45. § 35. *C.* 2.

22. Copper coin is to be received and issued according to the rates at which Pice may be current in the Bazar at the time the payment is made, unless any other rates shall have been agreed on by the parties. *Ced. Prov.* 1803 *R.* 45 § 49.

23. Any person, convicted in a Civil Court of refusing to receive the fractional part of a Rupee in the copper coin at the above directed rates, shall pay costs and damages to the complainant; and, if he be a native officer of Government, shall further be dismissed from office. *Ced. Prov.* 1803 *R.* 45 § 50.

24. Gold Mohurs shall continue to circulate as heretofore in the Ceded Provinces, according to the value which individuals, paying and receiving them, may determine; but shall not bear any fixed rate of value compared to the silver coin. *Ced. Prov.* 1803 *R.* 45. § 42.

III. TABLES.

III. TABLES OF EXCHANGE.

1. *A table of the value of the several sorts of Rupees, compared with Sicca Rupees of the 19 Sun, inserted under the head of* Mints and Coin. II. 21.

2. *A table of exchange of the usual foreign coins, compared with Sicca Rupees, inserted under the head of* Customs. III. 4. 22.

3. *A table of the value of the several sorts of Rupees compared with the Furrokhabad Rupees, inserted under the head of* Mints and Coin. III. 51.

EXECUTION.

I. OF CIVIL JUDGMENTS.

1. In Ordinary Cases.

1. The decree is to be executed, if for real property, by causing delivery of possession; if for personal property, by delivery of the specific thing; if for a sum of money, by levying the amount through process of imprisonment, or sale of property, or both. *Beng.* 1793 *R.* 4. § 7. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 9. A. D. 1798

2. Decrees of the Provincial Courts of Appeal against landholders for the payment of sums of money, shall be sent to the Zilla Courts for execution by the same process by which Zilla Courts are authorized to execute similar decrees. *Beng.* 1793 *R.* 5. § 27. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 27.

3. The same in regard to such decrees of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 21. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 21.

4. The decrees of a Zilla or City Court are to be executed within the limits of the Court's jurisdiction, without application to any person, or the interference of any individual. *Beng.* 1793 *R.* 4. § 13. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 15.

5. The process of a Provincial Court of Appeal, for execution of a decree or final order, whether originating in the Provincial Court or pursuant to the orders of the Sudder Dewannee Adaulut, shall be directed to the Judge of the Zilla or City, where the cause originated, or the land may be situated, or the parties reside; and shall be executed by the Judge, under penalty of being reported by the Provincial Court, for any neglect, disobedience or false return, to the Sudder Dewannee Adaulut; who may suspend such Judge from office, reporting the case with all the proceedings to the Governor General in Council. *Beng.* 1793 *R.* 5. § 15. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 15.

6. And the Judge shall, within the time limited, return execution or reason of non-execution. *Beng.* 1793 *R.* 5. § 16. ext. *Ben.* 1795 *R.* 9 § 6. *Ced. Prov.* 1803 *R.* 4. § 16.

7. Processes of the Sudder Dewannee Adaulut for execution of a decree or final order shall be executed by the Provincial Court of Appeal from which the cause was appealed,

A. D. 1793 pealed, under penalty of suspension and report; or by the Judge of the Zilla or City Court, under the like penalty, if the Sudder Dewannee Adaulut should deem it expedient to direct the process to him. *Beng.* 1793 *R.* 6. § 13. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 13.

8. And similar return shall be made to it. *Beng.* 1793 *R.* 6. § 14. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 14.

9. If a sale of Malguzaree lands should be necessary for the execution of a decree, the Court is to send a copy of it, with an English translation, to the Board of Revenue. *Beng.* 1793 *R.* 45. § 2. *Ben.* 1795 *R.* 20. § 2. *Ced. Prov.* 1803 *R.* 26. § 16.

10. And the Board shall proceed to the sale, reporting it to Government. *Beng.* 1793 *R.* 45. § 3. *Ben.* 1795 *R.* 20. § 3. *Ced. Prov.* 1803 *R.* 26. § 17.

11. And the same for Lakheraj land. *Beng.* 1793 *R.* 45. § 17. *Ben.* 1795 *R.* 20. § 17. *Ced. Prov.* 1803 *R.* 26. § 26.

12. The Court, on payment of the decree, or for other cause, may, by address to the Board or precept to the Collector, countermand or postpone the sale. *Beng.* 1793 *R.* 45. § 16. *Ben.* 1795 *R.* 20. § 16. *Ced. Prov.* 1803 *R.* 26. § 24.

13. If a portion of an estate be decreed to one person, or a whole estate be decreed to several persons, the Court, on application of the parties, may issue precepts to the Collector ordering a division of the estate. *Beng.* 1793 *R.* 25 § 4. *C.* 2. ext. *Ben* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 32. *C.* 2.

Modified 1796 R. 13 § 2

14. Decrees for real property shall remain unexecuted, when appealed to a Provincial Court, if the appellant on the next Court day give security to the Court which passed the decree, in a sum equal to one year's produce. *Beng.* 1793 *R.* 5. § 12 ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 5.

ditto

15. The same in appeals to the Sudder Dewannee Adaulut. 1793 *R.* 6. § 10. ext *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 10. *C.* 6.

ditto

16. Decrees for personal property may be executed or not, in the discretion of the Court: if unexecuted, the appellant shall give security in the amount or value of the thing decreed; if executed, the respondent shall give similar security. *Beng.* 1793 *R.* 5. § 12. ext. *Ben.* 1795 *R.* 9. § 6.

ditto

17. The same in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 10. ext. *Ben.* 1795 *R.* 9. § 6.

18. If an appeal on real property be presented to the Court of Appeal, and the appellant shall give the prescribed security, the Court of Appeal shall give orders for staying execution. *Beng.* 1793 *R.* 5. § 14. ext. *Ben.* 1795 *R.* 9. § 6.

19.

19. The ſame in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 12. ext. *Ben.* 1795 *R.* 10. § 2. A. D. 1793

20. Execution of that part of a decree, which relates to the payment of the pleader's fees, ſhall not be ſtayed or poſtponed in conſequence of an appeal, nor on any account. *Beng.* 1793 *R.* 7. § 10. ext. *Ben.* 1795 *R.* 13 § 2. *Ced. Prov.* 1803 *R.* 10. § 9.

21. Decrees of native Commiſſioners are to be enforced by the Court: Commiſſioners iſſuing any proceſs for enforcing their own decrees ſhall be adjudged to pay twice the amount of the decree to the perſon againſt whom the proceſs iſſued. *Beng.* 1793 *R.* 40. § 14. ext. *Ben.* 1795 *R.* 31. § 2 *Ced. Prov.* 1803 *R.* 16. § 12.

22. All appealed decrees are to remain unexecuted, if ſecurity, equal to the amount or value of the thing decreed in the caſe of perſonal property, and to one year's produce of real property, be given within ſuch reaſonable period as may be fixed for the purpoſe. *Beng. Ben.* 1796 *R.* 13. § 2. *Ced. Prov.* 1803 (in Provincial Courts) *R.* 4. § 12. *C.* 5. (in Sudder Dewannee Adaulut) *R.* 5. § 10. *C.* 6. A. D. 1796

23. In appeals to the King in Council, the Sudder Dewannee Adaulut may order execution of their decree, taking ſecurity from the party in whoſe favor the decree is paſſed; or may ſuſpend execution during the appeal, taking the like ſecurity from the party left in poſſeſſion. *Beng. Ben.* 1797 *R.* 16. § 4. *Ced. Prov.* 1803 *R.* 5. § 33. A. D. 1797

24. If the ſecurity, given by an appellant for ſtaying execution, ſhall be ſubſequently deemed inſufficient, and the appellant ſhall not give further ſecurity within a reaſonable time to be fixed, the decree may be executed taking the preſcribed ſecurity from the reſpondent. *Beng Ben.* 1798 *R.* 5. § 3. *Ced. Prov.* 1803 (in Provincial Courts) *R.* 4. § 12. *C.* 8. (in Sudder Dewannee Adaulut) *R.* 5. § 10. *C.* 9. A. D. 1798

25. If judgment be given againſt a defendant or reſpondent, the Court ſhall immediately proceed to execute it; or, if appealed, ſhall immediately take the ſecurity preſcribed for ſtaying execution. *Beng. Ben.* 1802 *R.* 3. § 2. A. D. 1802

2. In Special Cases.

1. Before execution of a decree in favor of a private perſon againſt a regiſtered weaver, the Agent ſhall be called upon to ſtate whether the weaver was in the Company's employ when the cauſe of action aroſe, and to prove any claim which the Company may have upon him; which being ſatisfied, the decree may be executed againſt his property, but not againſt his perſon. *Beng.* 1793 *R.* 31. § 12. *Ced. Prov.* 1803 *R.* 37. § 12. *C.* 1. ext. *Ben.* 1805 *R.* 4. § 2. A. D. 1793 Modified 1801 R. 9 § 3

2. Decrees againſt perſons in the Salt Department from Katie to Aſarh may be executed againſt their property, but not againſt their perſons; nor are the ſalt, implements or a-

 various

A. D. 1793 vances to be taken in execution; and the Agent shall be answerable for their appearing after the manufacturing season is required: from Sawun to Asin, decrees may be executed against the person of salt officers &c. and, at any time, if the Agent inform the Court that their attendance is not required by him. *Beng.* 1793 *R.* 29. § 21.

3. The same in regard to decrees against native officers in the Salt Department subordinate to the head officers of Arungs, or against any other persons employed in the manufacture. *Beng.* 1793 *R.* 29. § 28.

4. Decrees of the Court of Wards, in suits by disqualified landholders against the Collectors, guardians, or managers, are to be transmitted to the Zilla Court; and are to be considered and enforced as judgments of Civil Courts. *Beng.* 1793 *R.* 10. § 32. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 36. *C.* 2.

5. Decrees of a Provincial Court of Appeal, in an original suit tried by the Court, are to be executed in the same manner with decrees of the Zilla or City Courts. *Beng.* 1793 *R.* 5. § 6. ext. *Ben.* 1795 *R.* 9 § 6. *Ced. Prov.* 1803 *R.* 4. § 6.

6. If a decree, imposing a penalty for the illicit manufacture or vend of spirituous liquors or drugs, cannot be executed by the sale of any property of the offender, the Court may commit him to hard labour for one month and then discharge him. *Beng.* 1793 *R.* 51. § 3. ext. *Ben.* 1795 *R.* 47. § 10. *Ced. Prov.* 1803 *R.* 40. § 29.

7. A decree, founded on an award of arbitrators, is to be executed like other decrees of the Court. *Beng.* 1793 *R.* 16. § 8. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 8.

8. In executing a decree regarding the collection of prohibited Sayer, the damages and costs recoverable by the complainant shall be recovered first; and, if property be not found adequate to the fine, the Court may commute it to an imprisonment deemed adequate. *Beng.* 1793 *R.* 27. § 11. *Ced. Prov.* (an imprisonment not exceeding six months) 1804 *R.* 11. § 53. 1805 *R.* 6. § 36.

Rescinded 18. 1 R. 1 § 2

9. The Regulating Officer of invalid T'hanas may execute his decrees for real property situated within the T'hana limits; or for personal property, by the sale of property within the T'hana. *Beng.* 1793 *R.* 43. § 15.

ditto

10. But if the defendant possess no property within the T'hana, the decree is to be enforced by the Zilla Court, if not appealed. *Beng.* 1793 *R.* 43. § 17.

11. If a Collector omit or refuse to obey any order or decree of a Court of Judicature, the Court may fine him according to the nature of the offence; reporting the circumstance to Government, if the Collector refuse to pay the fine. *Beng.* 1793 *R.* 14. § 36. *Ben.* 1795 *R.* 6. § 42. *Ced. Prov.* 1803 *R.* 27. § 39.

12.

12. In a suit wherein a Collector is liable to give security, the damages and costs decreed against him are to be levied from his surety, should he omit to pay them; and, if not recovered from the surety, Government, on a report from the Judge, will order payment from the treasury and a stoppage from the Collector's allowances. *Beng.* 1793 *R.* 14. § 36. *Ben.* 1795 *R.* 6. § 42. *Ced. Prov.* 1803 *R.* 27. § 39. A. D. 1793

13. Decrees, convicting law officers of corruption, are not to be enforced, if appealed and the usual securities given. *Beng.* 1793 *R.* 12. § 8. *C.* 3. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 3.

14. The Zilla Courts are to enforce them by the usual process, if not appealed; transmitting copies to Government. *Beng.* 1793 *R.* 12. § 8. *C.* 4. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8 *C.* 4.

15. Also the Provincial Courts of Appeal. *Beng.* 1793 *R.* 12. § 8. *C.* 5. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 5.

16. The Sudder Dewannee Adaulut shall transmit, in one week, to Government, a copy of any such decree passed by them. *Beng.* 1793 *R.* 12 § 8. *C.* 6 ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 6.

17. A decree, convicting a native ministerial officer of corruption, if not appealed, or not appealable, or confirmed in appeal, shall be enforced as other decrees; previously transmitting a copy to Government. *Beng.* 1793 *R.* 13. § 9. *C.* 8. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 8.

18. One, convicting or acquitting on charges of corruption a Company's civil servant attached to the Court, shall be sent in one week to Government; who will, in decrees of conviction, order the amount thereof to be stopped from the officer's allowances, or take other measures judged expedient for enforcing it. *Beng.* 1793 *R.* 13. § 9. *C.* 9. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 9.

19. One, convicting of corruption a native servant of a Judge, shall be enforced as other decrees, if not appealed or not appealable, or if confirmed in appeal; previously transmitting a copy to Government. *Beng.* 1793 *R.* 13. § 11. ext. *Ben.* 1795 *R.* 12. § 2. *Ced Prov.* 1803 *R.* 12. § 14.

20. Decrees against the agents of the Benares opium Contractor, are to be levied from the Contractor or his chief Agent on the spot. *Ben.* 1795 *R.* 32. § 2. *C.* 22. A. D. 1795 Expired

21. Against an officer of salt Chokees, may be enforced on his property: but his person shall not be removed without previous notice to the person under whose superintendence he acts. *Beng.* 1798 *R.* 4. § 9. A. D. 1798

A. D. 1801 22. Decrees in favor of private persons, may be executed against the person of weavers who have completed their engagements with the Company and not taken new advances. *Beng.* 1801 *R.* 9. § 3. *Ced Prov.* 1803 *R.* 37. § 12. *C.* 2.

23. Decrees, imposing a fine for private salt works, on proprietors of Malguzaree estates in charge of their estates, are to be executed by sale of the village wherein the works are situated, and of any other property real and personal, and by confinement if necessary. *Beng.* 1801 *R.* 6. § 7. *C.* 1.

24. Or though not in charge of their estates, if they knew of the works and did not give information. *Beng.* 1801 *R.* 6 § 7. *C.* 2.

25. And the same in regard to proprietors of rent-free estates. *Beng.* 1801 *R.* 6. § 7. *C.* 3.

26. Similar decrees on farmers of land are to be executed by the usual process for executing decrees. *Beng* 1801 *R.* 6 § 7. *C.* 2.

27. And on managers of estates under the Court of Wards. *Beng.* 1801 *R.* 6. § 7. *C.* 4.

28. Copies of such decrees shall be transmitted to the Governor General in Council, and not executed without his orders for the purpose; and it shall be competent to him to order, that the whole of any part of the fine be recovered in money, and to countermand the sale of such part of the land as is equivalent to the proportion of the fine to be recovered in money, or to remit the whole or a part of the fine. *Beng.* 1801 *R.* 6. § 7. *C.* 6.

3. In Cases of Resistance to Process.

A. D. 1793 Modified 1799 *F.* 9 § 3 1. Decrees of forfeiture of land by Landholders for resistance to a Zilla Court, if not appealed or not appealable, or if passed by the Sudder Dewannee Adaulut, shall be transmitted to the Governor General in Council, and, if not commuted by him in four weeks, shall stand good. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* (without limitation of time) 1803 *R.* 3 § 22.

2. The same for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23.

3. And to the Sudder Dewannee Adaulut. 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 24.

4. Or to a Collector of Revenue. 1793 *R.* 14. § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 7. § 22.

5. The same in case of forfeiture of lease by farmers for resistance to a Zilla Court. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25.

6. To a Provincial Court of Appeal. *Beng.* 1793 *R.* 3. § 23. ext. *Ben.* 1795 *R.* 8. § 1. 1795 *R.* 9. § 6 *Ced. Prov* 1803 *R.* 4. § 25.

7. To the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben.* 1795 *R.* 10 § 2 *Ced. Prov.* 1803 *R* 5. § 26.

8 Or to a Collector. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27 § 26.

9 When decrees of forfeiture of land for resistance to a Zilla Court stand good, or are confirmed by Government, the Court, which transmitted them to Government, shall by precept to the Collector direct the attachment of the land. *Beng.* 1793 *R.* 4. § 22. *Ben* 1795 *R* 8. § 5 *Ced. Prov* 1803 *R.* 3. § 23.

10. The same in regard to resistance to a Provincial Court of Appeal. *Beng.* 1793 *R* 5 § 23 *Ben.* 1795 *R.* 9 § 8. *Ced. Prov.* 1803 *R.* 4. § 23.

11 Or to the Sudder Dewannee Adaulut. *Beng* 1793 *R.* 6. § 24. *Ben.* 1795 *R.* 10 § 6. *Ced. Prov.* 1803 *R.* 5. § 24.

12 In executing such decrees for resistance to a Zilla Court, it shall be at the option of the Governor General in Council to confer the land on the offender's heirs, on their agreeing to pay the revenue to Government, or, if a dependant Talook, on the Zemindar, or to order the land to be sold. *Beng.* 1793 *R.* 4. § 23. *Ben* 1795 *R.* 8. § 6 *Ced. Prov* 1803 *R.* 3 § 24.

13 Or decrees for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 24. *Ben.* 1795 *R.* 9. § 9 *C.* 2. *Ced. Prov.* 1803 *R.* 4. § 24.

14 And to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 25. *Ben.* 1795 *R* 10. § 7 *C.* 2. *Ced Prov.* 1803 *R* 5. § 25.

15 Or to a Collector. *Beng.* 1793 *R.* 14. § 18. *Ben.* 1795 *R.* 6. § 25. *Ced. Prov.* 1803 *R.* 27. § 25.

16. When decrees of forfeiture of lease for such resistance to a Zilla Court thus stand good, or are confirmed by Government, the Court, which transmitted them to Government, shall send a copy to the Collector. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8 § 2 *Ced. Pov.* 1803 *R* 3. § 25. *C.* 1.

17 Or for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 25. ext *Ben* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

18. And to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

A. D. 1798 19. When such decrees for resistance to a Zilla Court against landholders are commuted by Government into a fine, the Court shall levy the fine by the usual process. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23.

20. And for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 23. ext *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23.

21. Or to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 24.

22. And to a Collector. *Beng.* 1793 *R.* 14. § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 27. § 23.

23. And the same in similar decrees against farmers for resistance to Zilla Courts. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25.

24. To the Provincial Courts. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

25. To the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

26. And to the Collectors. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

27. Also fines imposed on other persons for resistance to Zilla Courts, if the decree be not appealed or be passed by the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 4. § 25. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 26.

28. And for resistance to Provincial Courts. *Beng.* 1793 *R.* 5. § 26. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 26.

29. Or to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 27. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 27.

30. Decrees of forfeiture for resistance to a Collector against landholders are not to be executed without an order from Government confirming the decree. *Beng.* 1793 *R.* 14. § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 27. § 23.

31. Nor against farmers. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

32. When a decree, imposing a fine on a surety of a landholder for resistance to the Collector, is confirmed by Government, the Court on receiving notice thereof, shall levy the amount by the usual process. *Beng.* 1793 *R.* 14. § 21. *Ben.* 1795 *R.* 6. § 28. *Ced. Prov.* 1803 *R.* 27. § 28.

33. Decrees of forfeiture of land or lease, for resistance to process of Civil Courts, are not to be deemed final unless confirmed by the Governor General in Council; and shall not be executed until notice of his confirmation be received. *Beng Ben.* 1799 *R.* 9. § 3. *Ced. Prov.* 1803 (for Zilla Courts) *R.* 3. § 23. § 25. (for Provincial Courts) *R.* 4. § 23 § 25. (for Sudder Dewannee Adaulut) *R.* 5. § 24 & 26. A. D. 1799

II. OF CRIMINAL SENTENCES.

1. In Ordinary Cases.

1. The Court of Circuit shall issue their warrant to the Magistrate for the execution of the sentence in the terms of the Futwa, if it appear consonant to justice and conformable to the Muhamedan law; unless the prisoner be sentenced to suffer death or imprisonment for life, in which cases the Court shall send the trial to the Nizamut Adaulut, and not execute the sentence but wait the final sentence of that Court. *Beng.* 1793 *R.* 9. § 47. ext. *Ben* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 1. A. D. 1793

2. And except sentences of mutilation, which shall be commuted into imprisonment with hard labour during seven years, for each limb. *Beng.* 1793 *R.* 9. § 51. ext. *Ben.* 1795 *R.* 16. § 22. *Ced Prov.* 1803 *R.* 7. § 21.

3. The Court of Circuit shall not pass nor execute sentence, but transmit the trial to the Nizamut Adaulut and wait the final sentence of that Court, in cases of murder, when the heir of the slain requires Deyut. *Beng.* 1793 *R.* 9. § 52. ext. *Ben.* 1795 *R.* 16. § 22. Modified 1797 R. 4 § 3

4. Or where the heir shall have refused to prosecute, or shall not have appeared nor communicated his intention to pardon the offender, or shall not have attained the legal age for claiming Kissas. *Beng.* 1793 *R.* 9. § 55. ext. *Ben.* 1795 *R.* 16. § 22. ditto

5. And in cases where they disapprove the Futwa or any part of the proceedings. *Beng* 1793 *R.* 9. § 53. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 22.

6. Or when they disapprove of the opinion of the law officer on any question on points of law. *Beng.* 1793 *R.* 9. § 54. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 23.

7. Or in cases where the evidence is deemed incompetent by the Muhamedan law solely on the grounds of the witnesses not professing the Muhamedan religion. *Beng.* 1793 *R.* 9 § 56. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 25.

8. When the sentence of the Court of Circuit directs a pecuniary compensation to the party injured, the Magistrate shall carry it into execution by the process for enforcing the decrees of Civil Courts. *Beng.* 1793 *R.* 9. § 22. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. Rescinded 1797 R. 14 § 6

A. D. 1793 9. A copy of the sentence of the Nizamut Adaulut shall be sent within three days or sooner under the seal of the Nizamut Adaulut and the signature of the Register, to the Court of Circuit, who shall issue a warrant to the proper Magistrate for carrying it into execution; and the Magistrate shall cause the sentence to be executed without delay, and return the warrant with a signed endorsement, certifying the manner of execution: warrants so returned shall remain with the Court of Circuit, except warrants for capital punishment which shall be forwarded to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 78. ext. *Ben.* 1795 *R.* 16. § 12. *Cal. Priv.* 1803 *R.* 18. § 13.

A. D. 1795 10. Sentences of the Court of Circuit in Benares on Brahmens and their accomplices convicted of establishing a Koorh, or of being prepared to kill their women and children, are to be transmitted in ten days to the Nizamut Adaulut without any intermediate suspension of the execution; and, until the receipt of the final order of the Nizamut Adaulut, shall be considered in full force and carried into effect. *Ben.* 1795 *R.* 21. § 4.

11. By imprisonment of the party until he pay the fine awarded, or give security for the payment in six months, with security for future good behaviour. *Ben.* 1795 *R.* 21. § 3.

12. The Court of Circuit shall pass sentence of death on such Brahmens and their accomplices if any persons be burnt to death or otherwise lose their lives in consequence of the Koorh being set fire to, whether consistent with the Futwa or not; but it is to be explained to the prisoners, that the trial will be referred to the Nizamut Adaulut, and they are to remain in jail to wait the final sentence of that Court. *Ben.* 1795 *R.* 21. § 7.

13. And similarly on such Brahmens if they actually kill any of their women or children, with further sentence of banishment on their families and forfeiture of their real property; which part of the sentence, if confirmed by the Nizamut Adaulut, shall be submitted to the Governor General in Council, and not carried into execution without his approbation and order directing the disposal of the property. *Ben.* 1795 *R.* 21. § 9.

14. The sentence of forfeiture shall not take place if Government should limit the banishment to the offender or to a part only of his family. *Ben.* 1795 *R.* 21. § 10.

15. The Court of Circuit shall pass sentence of transportation on such Brahmens if they wound any of their women or children, subject to the same reference to the Nizamut Adaulut. *Ben.* 1795 *R.* 21. § 8.

16. Sentences of the Court of Circuit in Benares on Brahmens convicted of sitting Dhurna, shall not be carried into execution until reported to the Nizamut Adaulut and confirmed or mitigated by that Court. *Ben.* 1795 *R.* 21. § 11. *C.* 2.

17.

17. On a trial for murder, if the Futwa declare the prisoner not guilty, the Judge of Circuit shall pass sentence of acquittal, unless he disapprove the verdict; in which case he shall transmit the trial to the Nizamut Adaulut: if the Futwa award Deyut, the Court of Circuit shall commute it into imprisonment for an adequate period; and such sentences shall be carried into execution, without reference to the Nizamut Adaulut if for temporary imprisonment, or shall be referred to the Nizamut Adaulut if for imprisonment for life: should the Futwa declare the prisoner liable to suffer death in the event of the heir requiring Kissas, or not liable to capital punishment in consequence of the failure of Kissas, the trial shall be referred to the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 2.

18. The Courts of Circuit shall issue their warrant to the Magistrate to carry into execution, without reference or delay, their sentence on persons convicted of sitting Dhurna. *Beng.* 1797 *R.* 5. § 4. *Ced. Prov.* 1804 *R.* 3. § 10. *C.* 1.

19. Section 22, Regulation 9 of 1793, for enforcing pecuniary sentences of a Court of Circuit, is rescinded. *Beng. Ben.* 1797 *R.* 14. § 6.

20. No pecuniary damages shall be awarded to, or recoverable by, individuals, on a criminal prosecution; and when a fine to the use of Government is imposed by a Criminal Court, the Court passing the sentence shall fix a definite period of imprisonment, at the expiration of which the prisoner shall be released though the fine be not paid. *Beng. Ben.* 1797 *R.* 14 § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 1.

21. Including the fines which the Courts of Circuit in Bengal &c. are empowered to impose on persons convicted of sitting Dhurna. *Beng.* 1797 *R.* 4. § 3. *C.* 2.

22. The imprisonment, awarded by a Court of Circuit in lieu of fines, shall be temporary in all cases; and their sentence shall be carried into execution without reference to the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 14. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 1.

23. If the Futwa declare a prisoner liable to Deyut or pecuniary fine, for any acts other than homicide, the Court of Circuit shall commute it to imprisonment for a period deemed adequate to the offence; and their sentence shall be carried into execution without reference to the Nizamut Adaulut, if for temporary imprisonment, and shall be referred to that Court, if for imprisonment for life. *Beng. Ben.* 1797 *R.* 14. § 4. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 2.

24. Sentences of the Courts of Circuit on trials for perjury shall be executed or referred to the Nizamut Adaulut, according as they may be referrible or not under Sections 47 and 53, Regulation 9 of 1793. *Beng. Ben.* 1797 *R.* 17. § 2.

A. D. 1801 25. The trial shall be referred to the Nizamut Adaulut in all cases where the prisoner is convicted of having accidentally killed one individual in the deliberate intention of killing another. *Beng. Ben.* 1801 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 2.

26. Or of having committed a homicide with a murderous intention, or in the deliberate intention of committing any crime, which, if carried into effect, would have subjected him to a sentence of death. *Beng. Ben.* 1801 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 3.

27. The commutation of Deyut into imprisonment is not applicable to the above mentioned homicides: and in homicides committed by real misadventure in the prosecution of a lawful act, and without any malignant intention, the Courts of Circuit are not to sentence the prisoner to any punishment, although the Futwa should award Deyut. *Beng. Ben.* 1801 *R.* 8. § 6. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 6.

28. Sentences of Courts of Circuit on persons convicted of wounding one individual in the malicious and unlawful intention of wounding another, shall be executed or referred to the Nizamut Adaulut according as they may be referrible or not under the Regulations. *Beng. Ben.* 1801 *R.* 8. § 4. *Ced. Prov.* 1803 *R.* 8 § 10. *C.* 4.

A. D. 1802 29. The trials of persons convicted, as principals or accomplices, of throwing a child into the sea or a river, in consequence of which the child shall perish, are to be referred to the Nizamut Adaulut. *Beng. Ben.* 1802 *R.* 6. § 2.

A. D. 1803 30. The Courts of Circuit are to transmit to the Nizamut Adaulut all trials for gang robbery, in which the sentence is for death or imprisonment during life, or in which they disapprove of the Futwa and are not authorized to pass and execute the sentence notwithstanding the Futwa. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 6. *C.* 1.

31. And when they deem a prisoner a proper object of mercy. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 6.

32. The Court of Circuit shall execute commuted sentences of mutilation, or refer the trial to the Nizamut Adaulut, according as the degree of punishment or any Regulation may or may not require a reference. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 3. *C.* 3.

33. And sentences of discretionary punishment in consequence of any legal deficiency in the evidence. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 3.

34. Or of any special exemption of the law repugnant to equal justice. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 4.

35. And sentences of specific punishment denounced by any Regulation. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 2.

36.

36. If a Court of Circuit deem the punishment of thirty-nine stripes and seven years imprisonment insufficient in cases not specially provided for by the Muhamedan law or the Regulations, the trial shall be referred to the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 7. A. D. 1803

37. When the Judge of Circuit disapproves of the Futwa, or any of the prisoners are sentenced to death, he shall transmit the trial to the Nizamut Adaulut; and, though he approve of the Futwa, he shall not issue his warrant for execution of the sentence in referrible cases, until confirmed by the Nizamut Adaulut; nor shall he issue his warrant for execution of the sentence on an accomplice, when the trial of the principal is under reference, except for acquittal. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 6. *C.* 2.

38. Sentences of transportation or banishment are to be reported to the Nizamut Adaulut by the Magistrates of Zillas after each jail delivery; and by the Magistrates of Cities on the 1st January and 1st July of each year, or at any other period ordered by the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 8. *C.* 4.

39. The Court of Circuit may execute or mitigate sentences on crimes committed in Cuttack previous to this Regulation, if not exceeding seven years imprisonment; and shall refer to the Nizamut Adaulut all severer sentences. *Beng.* 1804 *R.* 4. § 7. A. D. 1804

40. And similarly on crimes committed in the Conquered Provinces or Bundelkhund previous to the Regulation. *Ben. Ced. Prov.* 1804 *R.* 9. § 11.

2. In Special Cases.

1. If the Court of Circuit should consider a Magistrate to have released or punished any person, on insufficient grounds, the Court shall report the circumstances with their opinion to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 17. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 17. A. D. 1793

2. The Magistrate of Bhaugulpoor may confirm, without reference to the Nizamut Adaulut, and carry into immediate execution, sentences of the assembly of hill chiefs, if for imprisonment not exceeding fourteen years; or he may mitigate such sentences, reporting the circumstances and his reasons to the Nizamut Adaulut. *Beng.* 1796 *R.* 1. § 11. A. D. 1796

3. And shall transmit to the Nizamut Adaulut, the trial, where the sentence adjudges death, mutilation, or imprisonment exceeding fourteen years. *Beng.* 1796 *R.* 1. § 12.

4. A copy of the sentence of the Nizamut Adaulut on such trials shall be transmitted, under the seal of the Court and signature of the Register, within six days, by the Register to the Magistrate; who shall execute the same without delay, reporting to the Nizamut Adaulut the manner of execution. *Beng.* 1796 *R.* 1. § 15.

A. D. 1796 5. Magiſtrates, when they ſentence a landholder to forfeiture of lands for reſiſtance to proceſs of the Magiſtrate or of Police officers, ſhall direct by precept, the Collector to attach the lands until the receipt of a further precept or of an order from the Governor General in Council. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 2. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 2.

6. And ſimilarly when they ſentence a farmer to forfeiture of leaſe for ſuch reſiſtance. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 3. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 3.

7. And when they ſentence any other perſon to a fine for ſuch reſiſtance, they ſhall proceed to the recovery of it by the proceſs for enforcing decrees of Civil Courts; and, if property be not found adequate to the payment of the fine, they commute it, with the ſanction of the Nizamut Adaulut, into impriſonment or corporal punishment. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 4. *Ced. Prov.* 1804 *R.* 3. § 2. *C* 4.

Modified 1801 R. 9 § 5 8. But ſuch ſentences ſhall not be deemed final until reported to the Nizamut Adaulut and confirmed by that Court. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 6.

9. Sentences of the Nizamut Adaulut on ſuch trials, adjudging a fine, impriſonment or corporal puniſhment, ſhall be final; but ſentences of the Nizamut Adaulut, confirming the forfeiture, ſhall be ſubmitted with all the proceedings to the Governor General in Council; who, if he confirm the forfeiture, will give orders through the Board of Revenue to the Collector for the future diſpoſal of the property: but, if the ſentence of forfeiture be ſet aſide by Government or the Nizamut Adaulut, the Magiſtrate, on being informed thereof, and on receipt of the fine if a fine be impoſed, ſhall by precept to the Collector direct the attachment to be withdrawn. *Beng. Ben.* 1796 *R.* 11. § 3. *Ced. Prov.* 1804 *R.* 3. § 3.

A. D. 1797 10. Sentences of Magiſtrates, adjudging fine or forfeiture on landholders and farmers of land in Benares, &c. for neglect of Police duties, are to be tranſmitted to the Nizamut Adaulut. *Ben.* 1797 *R.* 2. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 4.

11. Sentences of the Nizamut Adaulut on ſuch trials, adjudging a fine, ſhall be final and carried into immediate execution by the Magiſtrate; but ſentences, adjudging forfeiture, are to be ſubmitted with all the proceedings to the Governor General in Council; who, if he confirm the forfeiture, will give inſtructions, through the Board of Revenue, to the Collector, for the diſpoſal of the property. *Ben.* 1797 *R.* 2. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 5.

12. When a fine to the uſe of Government is impoſed by a Magiſtrate, he ſhall fix a definite period of impriſonment, at the expiration of which the priſoner ſhall be releaſed though the fine be not paid. *Beng. Ben.* 1797 *R.* 14. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 31.

13.

13. And the imprisonment awarded by Magistrates shall not exceed the periods specified in Sections 8 and 9, Regulation 9 of 1793. *Beng. Ben.* 1797 *R.* 14. § 5. *Ced. Prov.* 1803 *R.* 6. § 31. A. D. 1797.

14. Sentences of Special Courts for the trial of crimes against the state, whether of acquittal or conviction, shall be reported with the proceedings to the Nizamut Adaulut previous to carrying them into execution. *Beng. Ben.* 1799 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 20. § 3 A. D. 1799.

15. And the Nizamut Adaulut shall report to the Governor General in Council their sentence on such trials with the proceedings, and wait the orders of Government before they direct their sentence to be carried into execution. *Beng. Ben.* 1799 *R.* 4. § 5. *Ced. Prov.* 1803 *R.* 20. § 5.

16. Sentences of the Magistrate of Silhet, adjudging confiscation of contraband articles in the trade on the frontiers of Silhet, shall be reported, with the proceedings to the Governor General in Council, for his orders respecting the disposal of the property. *Beng.* 1799 *R.* 1. § 4.

17. The Courts of Circuit are to report to the Nizamut Adaulut, whenever a Zilla or City Magistrate neglects or refuses to execute any order directed to him; and the Nizamut Adaulut may suspend the Magistrate, reporting the case to the Governor General in Council: the Nizamut Adaulut may similarly suspend Judges of Circuit Courts and Magistrates, for refusal or neglect to execute any order of the Nizamut Adaulut. *Beng. Ben.* 1801 *R.* 1. § 14. *Ced. Prov.* 1803 *R.* 8. § 24. A. D. 1801.

18 Sentences of Magistrates shall be executed, without reference to the Nizamut Adaulut, where they award, against a person convicted of resistance to process, the punishment authorized by Section 8, Regulation 9 of 1793, instead of adjudging forfeiture: but such sentences shall be liable to the revision of the Court of Circuit under Section 17, Regulation 9 of 1793. *Beng. Ben.* 1801 *R.* 9. § 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 5.

19 In the revision of the trials referred by the Magistrates of the Ceded Provinces prior to 24th March 1803, if the Futwa acquit the prisoner, and the Court of Circuit approve of the Futwa, they shall issue their warrant to the Magistrate for his immediate release. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 2. A. D. 1803.

20. And if the Futwa award any punishment less than death or perpetual imprisonment, and the Court approve of the Futwa, they shall issue their warrant to the Magistrate to carry the sentence into immediate execution. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 3.

A. D. 1803 21. Commuting sentences of mutilation into imprisonment. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 5.

22. But if the Futwa award death or perpetual imprisonment, they shall not pass nor execute sentence; but shall send the proceedings to the Nizamut Adaulut and wait the final sentence of that Court. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 4.

23. The Nizamut Adaulut are to issue the usual orders or warrants to the Court of Circuit and Zilla Magistrates for carrying into execution their sentence on such trials. *Ced Prov.* 1803 *R.* 51. § 3. *C.* 2.

24. The Court of Circuit may direct security for good behaviour and appearance to be taken from persons acquitted by the Muhamedan law, if danger to the community should be apprehended from the release of the persons. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 5.

25. And so may the Nizamut Adaulut. *Ced. Prov.* 1803 *R.* 51. § 3. *C.* 3.

A. D. 1805 26. Sentences of the Magistrate of the Jungul Mehals on a landholder or his officers, for conniving at depredations &c. shall be referred to the Nizamut Adaulut for the final sentence of that Court; and, in case of forfeiture of lands, for the ultimate decision of the Governor General in Council. *Beng.* 1805 *R* 18. § 7. *C.* 16.

27. The Court of Circuit is to report to the Nizamut Adaulut whenever they deem the Magistrate of Chandernagore and Chinsura to have released or punished any persons on insufficient grounds. *Beng.* 1805 *R.* 16. § 10.

E X E C U T O R S.

A. D. 1799 1. If the heir of a testate native be not subject to the Court of Wards, the testamentary executors may take charge of the estate, and execute their trust according to the will of the deceased and the laws and usages of the country, without application to the Civil Courts; who are prohibited from interfering, unless on a regular complaint against the executors for breach of trust or other matter; on which they shall proceed as in other suits, taking the opinion of the law officer on the objections to the executor, and on the measures to be adopted if the executor be set aside. *Beng. Ben.* 1799 *R.* 5. § 2. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 2.

E X H I B I T S.

A. D. 1793 1. Exhibits or written evidence must be produced in Court; and, if disputed, must be proved by witnesses; every exhibit is to be marked by some letter or number to identify it; which letter or number shall be referred to in the deposition of the witness proving it: if a Court should think proper to reject any exhibit offered in a cause, the reasons shall be endorsed on, or annexed to, the exhibit, under the Judge's signature. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

2.

2. The title of every exhibit in a cause is to be inserted in the decree. *Beng.* 1793 *R.* 4. § 26. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 27.

3. And minuted in the daily book of proceedings with references to corresponding marks and numbers. *Beng.* 1793 *R.* 18. § 9. ext. *Ben.* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 9.

4. Exhibits in a Provincial Court of Appeal are to be numbered, dated, marked, and signed by the Register. *Beng.* 1793 *R* 5. § 29. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 29.

5. Also in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 28. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 28.

6. The original exhibits in a cause are to be transmitted to the Provincial Court of Appeal, on the cause being appealed. *Beng.* 1793 *R.* 5. § 13. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 13.

7. And to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 11. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 11.

8. The original exhibits in a cause arbitrated are to be laid before the Court with the award. *Beng.* 1793 *R.* 16. § 8. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 8.

9. If any original exhibits shall have been filed in a cause referred to a native Commissioner, they shall be transmitted with the order of reference. *Beng.* 1793 *R.* 40. § 9. *C.* 4. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 40.

10. A fee of four Annas in suits of 200 Rupees, eight Annas in suits not appealable to the Sudder Dewannee Adaulut, and one Rupee in suits appealable, is to be be paid on every exhibit filed in a suit, in addition to the plaint, answer, reply and rejoinder. *Beng.* 1795 *R.* 38. § 4. *C.* 1. ext. *Ben.* 1795 *R.* 60. § 2. A. D. 1795 Superseded 1797 R. 6 § 5

11. Except in the case of paupers. *Beng.* 1795 *R.* 38. § 8. ext. *Ben* 1795 *R.* 60. § 2. ditto § 9

12. This fee is to be paid on the determination of the suit, and the amount is to be specified with the other costs in the decree. *Beng.* 1795 *R.* 38. § 4. *C.* 2. ext. *Ben.* 1795 *R.* 60. § 2. ditto § 5

13. And shall be defrayed by the party cast, or by the parties respectively in such proportions as the Court may deem equitable. *Beng.* 1795 *R.* 38. § 7. *C.* 2. ext. *Ben.* 1795 *R.* 60. § 2. ditto § 8

14. The fees, levied on exhibits, are to be carried to the account of Government. *Beng.* 1795 *R.* 38. § 4. *C.* 3. ext. *Ben.* 1795 *R.* 60. § 2.

15.

A. D. 1795 15. This fee, with the same exception for paupers, shall be paid on the trial of causes now (1795) depending. *Beng.* 1795 *R.* 38. § 11. ext. *Ben.* 1795 *R.* 60. § 6.

A. D. 1797 Modified 1800 R. 7 § 21 16. The above is encreased to eight Annas in suits of 200 Rupees, one Rupee in suits not appealable to the Sudder Dewannee Adaulut, and two Rupees in suits appealable. *Beng. Ben.* 1797 *R.* 6. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 43. § 5. *C.* 1.

17. With the same exception in favor of paupers. *Beng. Ben.* 1797 *R.* 6. § 9. *Ced. Prov.* 1803 *R.* 43. § 9.

18. The fee is to be levied on the exhibit being presented to be filed; and the exhibit shall not be filed till the fee be paid. *Beng. Ben.* 1797 *R.* 6. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 43. § 5. *C.* 2.

19. And shall be specified with the other costs in the decree, and charged to the party cast, or to the parties respectively, in such proportions as the Court may deem equitable. *Beng. Ben.* 1797 *R.* 6. § 8. *C.* 2. *Ced. Prov.* 1803 *R.* 43. § 8. *C.* 2.

20. The same fee is to be taken on all exhibits accompanying miscellaneous petitions. *Beng. Ben.* 1797 *R.* 6. § 10. *Ced. Prov.* 1803 *R.* 43. § 10.

A. D. 1799 21. Fees on exhibits are not to be levied in summary suits for rent. *Beng.* 1799 *R.* 7. § 18. *Ben.* 1800 *R.* 5. § 17. *Ced. Prov.* 1803 *R.* 28. § 35.

A. D. 1800 22. Nor in causes before a native Commissioner; but are to be levied on exhibits delivered on the trial in an appeal from his decision. *Beng. Ben.* 1800 *R.* 7. § 20. *Ced. Prov.* 1803 *R.* 43. § 6.

23. They are not to be levied on supplementary pleadings, nor on petitions; but are to be levied on documents exhibited in evidence of any fact, including Vakalutnamas. *Beng. Ben.* 1800 *R.* 7. § 22. *Ced. Prov.* 1803 *R.* 43. § 11.

24. The highest rate is to be taken in suits exceeding 1000 Rupees. *Beng. Ben.* 1800 *R.* 7. § 21. *Ced. Prov.* 1803 *R.* 43. § 5. *C.* 1.

A. D. 1803 25. Exhibits, filed in suits referred to a head Commissioner, are not liable to the exhibit-fee; but, filed in appeals from his decisions, are liable. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 11. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 11.

FARMERS OF PUBLIC REVENUE.

I. *DUTIES AND RIGHTS RESPECTING THE REVENUE.*

A. D. 1793 1. Estates now farmed will not be restored to the proprietors, until the expiration of the lease; unless the farmer, with consent of Government, should voluntarily transfer his lease to the proprietor. *Beng.* 1793 *R.* 1. § 5. *Ben.* 1795 *R.* 27. § 2. *Ced. Prov.* 1803 *R.* 25. § 33. *Conq. Prov.* 1805 *R.* 9. § 23.

2. If an estate, farmed, be sold publicly, the purchaser shall receive Malikana till restored. *Beng.* 1793 *R.* 1. § 11. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 1. A. D. 1793

3. Or if it be privately transferred. *Beng.* 1793 *R.* 1. § 11. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 2.

4. And if it be divided, each sharer shall similarly receive Malikana. *Beng.* 1793 *R.* 1. § 11. *C.* 3. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 3.

5. The Collector of the Zilla is to collect the stipulated revenues from farmers of estates let in farm. *Beng.* 1793 *R.* 2. § 8. *C.* 2. *Ben.* 1795 *R.* 5. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 2.

6. And is to make the future settlement of farmed estates. *Beng.* 1793 *R.* 2. § 8. *C.* 4. *Ben.* 1795 *R.* 5. § 7. *C.* 4. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 4.

7. No Collector, Assistant, nor native in their employ, is to farm land, or be security for a farmer. *Beng.* 1793 *R.* 2. § 15. *Ben.* 1795 *R.* 5. § 15. *Ced. Prov.* 1803 *R.* 25. § 14.

8. Collectors are not to farm land to any European, nor accept of an European as security for a farmer. *Beng.* 1793 *R.* 2. § 17. *Ben.* 1795 *R.* 5. § 17. *Ced. Prov.* 1803 *R.* 25. § 16.

9. Nor the Board of Revenue, without the sanction of Government. 1793 *R.* 2. § 46.

10. When lands are let in farm, security for the revenue is invariably to be required. *Beng.* 1793 *R.* 2. § 37.

11. When a settlement is concluded with a farmer, he shall receive the Bundobustee Purwana from the Board. *Beng.* 1793 *R.* 2. § 40.

12. The Board may advance Tucavee to farmers, as far as five per cent on the revenue: if a greater sum be required, the previous sanction of Government must be obtained. *Beng.* 1793 *R.* 2. § 44. *Ben.* 1795 *R.* 5. § 36.

13. Estates of landholders, who are unable to pay their arrears, may be farmed for three years. *Beng.* 1793 *R.* 8. § 22.

14. Those of absent proprietors not attending in six months after advertisement, shall be farmed for ten years. *Beng.* 1793 *R.* 8. § 29.

15. The estates of landholders declining the assessment, may also be farmed. *Beng.* 1793 *R.* 8. § 43.

16. The person of a farmer is liable for arrears of revenue. *Beng.* 1793 *R.* 14. § 4. *Ben.* 1795 *R.* 6. § 7. *Ced. Prov.* 1803 *R.* 27. § 7.

A. D. 1793 17. And the farm may be attached. *Beng.* 1793 *R.* 14. § 6. *Ben.* 1795 *R.* 6. § 14. *Ced. Prov.* 1803 *R.* 27. § 14. *C.* 1.

18. And, if at the close of the year, the arrear be not realized from the collections of the attached farm, the person of the surety is liable, and Government may cancel or continue the defaulter's lease; if cancelled, the defaulter may sue the tenants for rent due while the lease was in force. *Beng.* 1793 *R.* 14. § 23.

19. When the surety is confined, his landed property may be sold for the recovery of arrears. *Beng.* 1793 *R.* 14. § 24. *Ben.* 1795 *R.* 6. § 30. *Ced. Prov.* 1803 *R.* 27. § 30. *C.* 1.

20. Farmers are to pay the Malikana of the proprietors monthly, according to the Kistbundee fixed for the Sudder Jumma. *Beng.* 1793 *R.* 8. § 45.

21. And the Collectors shall enforce the payment by the same process as for enforcing payment of arrears. *Beng.* 1793 *R.* 8. § 46.

22. The compensation for abolished Sayer in farmed estates is to be paid by the farmers in addition to the Jumma of Government. *Beng.* 1793 *R.* 27. § 6. *C.* 2.

23. Farmers are to produce to the Ameen all required accounts and papers, when the estate farmed by them may be under division. *Beng.* 1793 *R.* 25. § 29. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 59.

24. If a farmed estate be ordered for sale in execution, the farmer shall, on the Collector's requisition, attend the Ameen or send an agent with the requisite papers and accounts; and, on refusal, may be fined daily till compliance. *Beng.* 1793 *R.* 45. § 10. *Ben.* 1795 *R.* 20. § 10. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

25. Also for not causing the attendance of the Putwarees with their accounts. *Beng.* 1793 *R.* 45. § 11. *Ben.* 1795 *R.* 20. § 11. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

26. Farmers, resisting the Ameen, are to be proceeded against as for resisting the Collector's process. *Beng.* 1793 *R.* 45. § 9. *Ben.* 1795 *R.* 20. § 9. *Ced. Prov.* 1803 *R.* 26. § 23.

27. Farmers, omitting to furnish required information for the quinquennial register of Malguzaree estates, will be liable to fine by order of Government, on the Collector's report transmitted through the Board. *Beng.* 1793 *R.* 48. § 25. *Ben.* 1795 *R.* 19. § 23. *Ced. Prov.* 1803 *R.* 42. § 25.

A. D. 1795 28. Farmers in Benares, who have performed the conditions of the settlement of 1197, shall hold their farms at a fixed Jumma in perpetuity. *Ben.* 1795 *R.* 1. § 2.

29. But estates, farmed at the settlement of 1197, in consequence of the Zemindars having been dispossessed previous to 1st July 1775, may be restored on the death of the farmer, or on the lease becoming otherwise void. *Ben.* 1795 *R.* 1. § 3. *C.* 5.

29.

30. Those, which were farmed in exclusion of Zemindars who had held possession since 1st July 1775, may be restored on proof of such possession in the Dewannee Adaulut, and on reimbursement to the farmer of any loss as awarded to him by the Court. *Ben.* 1795 *R.* 1. § 3. *C.* 6.

31. Those, farmed in consequence of the Zemindar not agreeing to the assessment, may be restored on the expiration of the lease; or on its surrender, with the concurrence of Government. *Ben.* 1795 *R.* 27. § 2.

32. Farmers in balance at the close of a year may be either ousted or continued, in the discretion of Government. *Ben.* 1795 *R.* 6. § 18. *C.* 1. to 3. *Ced. Prov.* 1803 *R.* 27. § 18. *C.* 1. to 3.

33. And their property may in particular cases be sold by order of Government, on the recommendation of the Board of Revenue. *Ben.* 1795 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 27. § 18. *C.* 4.

34. Farmers, who pay through an Ameen, may become Huzooree on giving the prescribed security. *Ben.* 1795 *R.* 2. § 24.

35. On the conclusion of the settlement, farmers shall receive the customary Pottah signed by the Collector, and attested by the seal and signature of the Raja. *Ben.* 1795 *R.* 5. § 33.

36. The revised Pottahs of four years, and the Pottahs issued for ten years, bind the farmers in Benares to the following stipulations. *Ben.* 1795 *R.* 2. § 14. *C.* 1.

37. All property, of Pottahdars real or personal, may be sold for failures in their payments of revenue. *Ben.* 1795 *R.* 2. § 14. *C.* 2.

38. If they make rent-free grants, the land will be forfeited, and double assessment will be collected from the grantee during the time he may have had possession: they must not attach, without the sanction of Goverment, any land held rent-free before 1195. *Ben.* 1795 *R.* 2. § 14. *C.* 3.

39. They are to collect from the Rayats according to the rules of 25th June and 1st July 1788. *Ben* 1795 *R.* 2. § 14. *C.* 4.

40. They shall forfeit double the amount of any payment for which they do not give a receipt to the Rayat. *Ben.* 1795 *R.* 2. § 14. *C.* 5.

41. The Canongoes must be supported by them in the full exercise of their functions. *Ben.* 1795 *R.* 2. § 14. *C.* 6.

42. They are to forfeit three times the amount of any Sayer levied by them. *Ben.* 1795 *R.* 2. § 14. *C.* 7.

43.

A. D. 1795 Modified Reg. 17 § 8

43. They shall make good the value of all property robbed and stolen, if they do not recover it and secure the offenders. *Ben.* 1795 *R.* 2. § 14. *C.* 8.

44. They are to apprehend, and send for trial, all murderers, &c. *Ben.* 1795 *R.* 2. § 14. *C.* 9.

45. And to obey all orders of Government under pain of forfeiting their property. *Ben.* 1795 *R.* 2. § 14. *C.* 10.

46. They shall hold their lands on the fixed assessment during life. *Ben.* 1795 *R.* 2. § 20.

A. D. 1799

47. Defaulting farmers are restricted from purchasing, directly or indirectly, their own lands sold for recovery of revenue, under penalty of forfeiture to Government. *Beng.* 1799 *R.* 7. § 29. *C.* 4. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 10.

48. All property of a farmer and of his surety is liable to sale for recovery of arrears of revenue. *Ben.* 1799 *R.* 7. § 23. *C.* 6.

49. Personal property of farmers in Benares &c. may be distrained by the Collector for arrears, instead of confining their persons and attaching their farms. *Ben.* 1800 *R.* 5. § 22. *Ced. Prov.* 1803 *R.* 27. § 14. *C.* 2.

50. And also, notwithstanding their confinement and the attachment of their farms, if the arrear be not otherwise discharged. *Ben.* 1800 *R.* 5. § 22. *Ced. Prov.* 1803 *R.* 27. § 14. *C.* 2.

51. Farmers are liable to the same penalties for non compliance with the Collector's requisition of information for the Pergunna register, as for the quinquennial register. *Beng. Ben.* 1800 *R.* 8. § 7. *Ced. Prov.* 1803 *R.* 42. § 36.

52. They shall be liable to fine in the discretion of Government, if they wilfully omit a new village in the statements furnished by them to the Collectors. *Beng. Ben.* 1800 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 42. § 40.

A. D. 1801

53. If a defaulting farmer, whose farm is attached, do not comply with the Collector's requisition of papers and accounts, Government will order the immediate sale of his land. *Beng. Ben.* 1801 *R.* 1. § 3.

A. D. 1803

54. When lands to a considerable amount are let in farm to one individual, Government, on report of the Board of Revenue, may order the collections from such farm to be paid immediately into the treasury of the Collector, instead of being received through a Tehsildar. *Ced. Prov.* 1803 *R.* 27. § 53. *C.* 17.

II. *MISCELLANEOUS*

II. MISCELLANEOUS RULES.

1. Dewans of Collectors are not to lend money to any farmer; such loans are not recoverable in the Civil Courts. *Beng.* 1793 *R.* 12. § 19. *Ben.* 1795 *R.* 5. § 19. *Ced. Prov.* 1803 *R.* 23. § 18. A. D. 1793.

2. Nor similar loans by any covenanted servant of the Company in a Judicial or Revenue office. *Beng.* 1793 *R.* 38. § 2. *Ben.* 1795 *R.* 48. § 2. *Ced. Prov.* 1803 *R.* 19. § 2.

3. Farmers, not attending when required by the Board of Revenue, may be fined: personal attendance is not to be required when the business can be transacted by a Vakeel. *Beng.* 1793 *R.* 2. § 33. ext. *Ben.* 1795 *R.* 5. § 29.

4. Sudder farmers are to forfeit their leases for resisting the process of a Zilla Court, unless Government shall commute the forfeiture for a fine. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 1.

5. And for resisting the process of the Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

6. Or of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

7. And of the Collector. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

8. If the lease be annulled for resistance to a Zilla Court, the decree shall be sent to the Collector, who may proceed against the farmer and his surety for any balance due at the close of the year: the ousted farmer may sue the tenants &c. in the farm, for arrears of rent due while his lease stood in force. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 1.

9. The same if the lease be annulled for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

10. Or to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

11. And to a Collector. *Beng.* 1793 *R.* 14. § 20. *Ben.* 1795 *R.* 6. § 27. *Ced. Prov.* 1803 *R.* 27. § 27.

12. Farmers, conniving at the fabrication or alteration of accounts by Putwarees, shall be fined on proof in a Civil Court. *Beng.* 1793 *R.* 8. § 42. *C.* 8. *Ben.* 1795 *R.* 27. § 9. *C.* 8. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 2.

A. D. 1793 13. Farmers are not to interfere in civil or criminal matters, under pain of a fine and damages, on suit in a Civil Court. *Beng.* 1793 *R.* 8. § 66.

14. They may be selected for arbitrators in causes referred by the Court. *Beng.* 1793 *R.* 16. § 3. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 3.

15. And may be Commissioners for trying civil suits, while they hold their farms. *Beng.* 1793 *R.* 40. § 5. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 6.

16. And, as such, shall act in the capacities of Referees and Arbitrators, unless the Sudder Dewannee Adaulut should also invest them with the authority of Munsifs. *Beng.* 1793 *R.* 40. § 5. *C.* 6. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 9.

17. Farmers are to keep affixed in their Cucheries, during one year, the publication for rent-free grantees to produce their grants. *Beng.* 1793 *R.* 19. § 25. *Ben.* 1795 *R.* 41. § 25. *Ced. Prov.* 1803 *R.* 31. § 20.

18. Farmers in Bengal &c. shall entertain no Police establishments. *Beng.* 1793 *R.* 22. § 2.

19. And shall not be responsible for robberies in their farms, except on proof of connivance or of refusal to assist; in which cases they shall be prosecuted before the Court of Circuit, and their lands and effects may be sold by order of Government to make good the stolen property. *Beng.* 1793 *R.* 22. § 3.

20. They are answerable for the transmission and delivery of letters from the Police officers to the Magistrates. *Beng.* 1793 *R.* 22. § 15.

21. Farmers are to assist in the pursuit of absconding offenders. *Beng.* 1793 *R.* 22. § 16. *Ben.* 1795 *R.* 17. § 15. *Ced. Prov.* 1803 *R.* 35. § 16.

22. They may be sued in Civil Courts for damages, if they obstruct the manufacture of salt. *Beng.* 1793 *R.* 29. § 16.

23. Or the provision of the investment. *Beng.* 1793 *R.* 31. § 6. *Ced. Prov.* 1803 *R.* 37. § 6. ext. *Ben.* 1805 *R.* 4. § 2.

24. They are not to behave with disrespect towards the Salt Agents or their officers; but are to afford every assistance to the manufacture. *Beng.* 1793 *R.* 29. § 17.

25. And towards the Commercial Residents or their officers. *Beng.* 1793 *R.* 31. § 7. *Ced. Prov.* 1803 *R.* 37. § 7. ext. *Ben.* 1805 *R.* 4. § 2.

26. Farmers are liable to a penalty of twenty-five per cent on the value of all salt illegally made or imported within their farms, with their connivance; and are to give immediate notice to the Salt Agent, or Magistrate, of any illegal salt. *Beng.* 1793 *R.* 30. § 7.

27.

27. They are liable to a penalty of ten Rupees per Seer for permitting the sale of contraband opium within their farms. *Beng.* 1793 R. 32. § 5. *Ben.* 1795 R. 32. § 4. A. D. 1793 re-enacted 1795 R. 6 § 17

28. Farmers, resisting a Tehsildar's process, may, if they attend on the Collector's summons, be confined not more than ten days, or made to give security. *Ben.* 1795 R. 6. § 20. *Ced. Prov.* 1803 R. 27. § 20. A. D. 1796

29. And not attending on such summons, or resisting an original process of the Collector, shall, on conviction in the Dewannee Adaulut, be sentenced to forfeiture of lease; but Government may commute the forfeiture for a fine. *Ben.* 1795 R. 6. § 26. *Ced. Prov.* 1803 R. 27. § 26.

30. Farmers, resisting process of the Benares City Court, are liable to the rules of Regulation 4 of 1793, for resisting process of the Zilla Courts. *Ben.* 1795 R. 8. § 8.

31. And to the penalties of Regulation 5 of 1793, for resisting process of the Provincial Court of Appeal. *Ben.* 1795 R 9. § 7.

32. And to those of Regulation 6 of 1793, for resisting process of the Sudder Dewannee Adaulut. *Ben.* 1795 R. 10. § 5.

33 If the lease of a farmer be annulled for resistance to the Provincial Court of Appeal, it is to stand cancelled from the end of the Fussilee year. *Ben.* 1795 R. 9. § 10.

34. Or for resistance to the Sudder Dewannee Adaulut. *Ben.* 1795 R 10. § 8.

35. Farmers are responsible to the Tehsildar for robberies in their farms, except for a night robbery in roads and woods, unless they had such knowledge as could have enabled them to prevent it: *Ben.* 1795 R. 17. § 3. *Ced. Prov.* 1803 R. 35 § 3. C. 1.

36. A farmer resisting, or causing to be resisted, process of a Magistrate or Police officer, shall be adjudged, by the Magistrate, on conviction, to have forfeited his farm; and the Magistrate shall, by precept to the Collector, order it to be attached. *Beng. Ben.* 1796 R. 11. § 2. C. 2. *Ced. Prov.* 1804 R 3. § 2 C. 2 A. D. 1798

37. All such judgments shall be transmitted to the Nizamut Adaulut. *Beng. Ben.* 1796 R. 11. § 2. C. 5. *Ced. Prov.* 1804 R. 3. § 2 C. 6.

38. The decision of the Nizamut Adaulut, if for a fine, shall be final; and, if for forfeiture, shall be subject to the decision of the Governor General in Council, whether to confirm the forfeiture or commute it for a fine. *Beng. Ben.* 1796 R. 11. § 3. *Ced. Prov.* 1804 R. 3. § 3.

39.

A. D. 1796 39. A farmer, absconding from a process on a criminal charge, shall be proclaimed. *Beng. Ben.* 1796 *R.* 11. § 4. *C.* 1. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 1.

40. And his farm shall be attached by precept of the Magistrate to the Collector, who shall report it to the Board of Revenue. *Beng. Ben.* 1796 *R.* 11. § 4. *C.* 2. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 2.

41. If he appear, the attachment shall be withdrawn by precept of the Magistrate, to the Collector, and a fair account rendered. *Beng. Ben.* 1796 *R.* 11. § 5. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 4.

42. But if he appear not in six months, Government will, on report of the Magistrate, order the future disposal of the land. *Beng.* 1796 *R.* 11. § 6. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 5.

A. D. 1797 43. Farmers are to be vigilant in preventing breaches of the peace and in apprehending persons guilty of such breaches. *Ben.* 1797 *R.* 2. § 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 2.

44. And if convicted of wilful neglect in Police matters, are liable to forfeiture of farm, or to fine, according to the circumstances of the case. *Ben.* 1797 *R.* 2. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 3.

45. Such charges are to be heard and adjudged by the Magistrate, and transmitted with his opinion to the Nizamut Adaulut. *Ben.* 1797 *R.* 2. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 4.

A. D. 1799 46. Farmers are liable to a penalty of ten Rupees per Seer on contraband opium sold in their farms with their connivance or knowledge. *Beng.* 1799 *R.* 6. § 17.

47. For resistance to the process of the Civil Courts of Cities Dacca, Moorshedabad and Patna, farmers are liable to forfeitures under Regulation 4 of 1799, as for resistance to Zilla Courts; but if they possess no land within the Court's jurisdiction, they are to be fined under Section 25 of the same Regulation. *Beng.* 1799 *R.* 9. § 2.

48. For refusing or neglecting to furnish the Collector with the requisite accounts when their farms are attached for revenue arrears, they may be fined by the Board with the sanction of Government; or may be confined by order of Government if they persist in the refusal. *Beng.* 1799 *R.* 7. § 23. *C.* 4. *Ben.* 1800 *R.* 8. § 23.

49. Resistance to process of Zilla or City Courts by farmers may be originally punished by fine instead of forfeiture, if the Judge should deem that an adequate punishment. *Beng.* 1799 *R.* 9. § 3. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 2.

A. D. 1801 50. Farmers shall pay a penalty of 5000 Rupees, for any private distillery, established within their farms. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 2.

51.

51. Resistance to process of Criminal Courts may be punished, by fine or imprisonment, under Section 8, Regulation 9 of 1793, instead of forfeiture, if the Magistrate deem it a sufficient punishment. *Beng. Ben.* 1801 *R.* 9. § 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 5. A. D. 1801

52. Farmers of land are liable to the same penalty as the Rayats, for all poppy cultivated in their farms with their knowledge or connivance. *Ced. Prov.* 1803 *R.* 41. § 4. A. D. 1803

53. That is, ten Rupees per Begha when the poppy can be destroyed, or when the opium collected from it can be seized and confiscated: otherwise sixteen Rupees per Begha. *Ced. Prov.* 1803 *R.* 41. § 9.

54. A farmer may attach any poppy cultivated in his farm; and if he be not a local chief officer of the Police, he shall report it to the nearest Police officer. *Ced. Prov.* 1803 *R.* 41. § 7.

III. *DUTIES TOWARDS THE TENANTS.*

1. Farmers may assess, at the Pergunna rate, Mokururreedars who have not paid a fixed rent twelve years; although the terms of the lease should preclude the landholders from levying an increase. *Beng.* 1793 *R.* 8. § 50. A. D. 1793

2. Farmers, imposing any new Abwab or Muhtoot, are to pay three times the amount. *Beng.* 1793 *R.* 8. § 55. *Ced. Prov.* 1803 *R.* 30. § 5.

3. And receiving more than is mentioned in the engagement of under-farmers, are to repay it with twice the amount. *Beng.* 1793 *R.* 8. § 52. *Ced. Prov.* 1803 *R.* 30. § 2.

4. They are to give specific Pottahs to the tenants. *Beng.* 1793 *R.* 8. § 56 *Ced. Prov.* 1803 *R.* 30. § 7. *C.* 1.

5. And are allowed till the end of 1198 for delivery of Pottahs; after which date no claim to rent, on engagements not conformable to the Regulations, shall be recoverable. *Beng.* 1793 *R.* 8. § 61. *Ben.* (till the end of 1204) 1795 *R.* 51. § 6. *Ced. Prov.* (till the end of 1215) 1803 *R.* 30. § 4.

6. Refusal to give Pottahs shall be punished in Civil Courts by a fine. *Beng.* 1793 *R.* 8. § 59. *Ced. Prov.* 1803 *R.* 30. § 11.

7. Farmers are not to grant Pottahs beyond the term of their own lease. *Beng.* 1793 *R.* 8. § 59. *Ced. Prov.* 1803 *R.* 30. § 11.

8. They shall not cancel the Pottahs of the Khodkasht Rayats, except on proof of collusion, or in case of [illegible] measurement. *Beng.* 1793 *R.* 8. § 60. *C.* 2.

A. D. 1793 9. They shall deliver the prescribed Pottahs to the tenants by the end of the year 1198. *Beng.* 1793 *R.* 8. § 61. *Ben.* (by the end of the year 1204) 1795 *R.* 51. § 6. *Ced. Prov.* (by the end of the year 1215) 1803 *R.* 30. § 4.

10. Farmers, confining or inflicting corporal punishment on tenants &c. to enforce the rents, may be sued for damages, or prosecuted criminally. *Beng.* 1793 *R.* 17. § 28. *Ben.* 1795 *R.* 45. § 26. *Ced. Prov.* 1803 *R.* 28. § 26.

11. They may distrain the personal property of the dependant Talookdars, under farmers, Rayats &c. for rent. *Beng.* 1793 *R.* 17. § 2. *Ben.* 1795 *R.* 45. § 2. *Ced. Prov.* 1803 *R.* 28. § 2. *C.* 1.

12. Or may sue for the rents, if they prefer it to distraining. *Beng.* 1793 *R.* 17. § 33. *Ben.* 1795 *R.* 45. § 31. *Ced. Prov.* 1803 *R.* 28. § 30.

13. They are to give receipts to the tenants for every payment of revenue under penalty of double the amount on proof in Civil Court. *Beng.* 1793 *R.* 8. § 63. *C.* 1. *Ben.* 1795 *R.* 2. § 14. *C.* 5.

14. Are not to collect the rents of absconding tenants from those who remain. *Beng.* 1793 *R.* 8. § 63. *C.* 2.

15. They shall adjust the instalments according to the times of selling the crops, under pain of being sued for damages. *Beng.* 1793 *R.* 8. § 64.

16. All restrictions on farmers by their Cabooleats, not altered by any Regulation, remain in force. *Beng.* 1793 *R.* 8. § 67. *C.* 1.

17. Farmers are entitled to the revenue of all resumable rent-free lands, not exceeding 100 Beghas in any one grant, within their farms, without being liable to any increase on account thereof. *Beng.* 1793 *R.* 19. § 6. *Ben.* (not exceeding fifty Beghas) 1795 *R.* 41. § 6.

18. They may resume, without suit in the Civil Court, grants of any amount if made since 1st December 1790. *Beng.* 1793 *R.* 19. § 10. *Ben.* (if made since the beginning of the year 1196) 1795 *R.* 41. § 10.

19. And grants of 100 Beghas not registered within a year. *Beng.* 1793 *R.* 19. § 26. *Ben.* (grants of fifty Beghas) 1795 *R.* 41. § 26.

20. But must sue for the resumption of any other grants, under penalty of damages for resuming without suit. *Beng.* 1793 *R.* 19. § 11. *Ben.* 1795 *R.* 41. § 11.

21. And may be cast in damages for suing on improper and vexatious grounds. *Beng.* 1793 *R.* 19. § 16. *Ben.* 1795 *R.* 41. § 16.

22.

22. Farmers, exacting more than established rates of rent from the opium tenants, may be sued for damages. *Beng.* 1793 *R.* 32. § 2. *C.* 24. A. D. 1793 Re-enacted 1799 R. 6. § 12

23. Farmers may be assisted with advances for the repairs of embankments, water-courses &c. *Beng.* 1793 *R.* 33. § 8. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 8.

24. On application to the Collector of the Zilla with security for re-payment of the advances, interest and penalty. *Beng.* 1793 *R.* 33. § 9. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 9.

25. Or to the Board of Revenue. *Beng.* 1793 *R.* 33. § 14. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 14.

26. Farmers shall be deemed to have complied with the rule requiring a tender of Pottahs to the Rayats, if they fix up in their principal Cuchery a notification that Pottahs are ready for delivery. *Beng.* 1794 *R.* 4. § 5. *Ben.* 1795 *R.* 51. § 7. A. D. 1794

27. Farmers in Benares, collecting any abolished Sayer, are to forfeit treble the amount. *Ben.* 1795 *R.* 4. § 8. A. D. 1795

28. Not removing, on requisition of the Collector, a Chokee established for such collection, shall be prosecuted by the Collector. *Ben.* 1795 *R.* 4. § 10.

29. A farmer, exacting more than the established rates from the opium tenants, may be sued by the Agent or the tenants. *Beng. Ben.* 1799 *R.* 6. § 12. A. D. 1799

30. When the rents receivable by the farmer are not liquidated within the year, he may annul the lease of defaulting under farmers at the commencement of the new year; may bring to sale by application to the Dewannee Adaulut the land of the defaulter, if it be a dependant Talook, or such a tenure as is transferrible by sale; or may oust the defaulter, if he be only a tenant having right of occupancy so long as he pay a certain rent: in the case of under farmers and tenants a previous application to the Court is not necessary; but farmers and their Agents are liable to damages on suit for exceeding their just powers or infringing established rights. *Beng. Ben.* 1799 *R.* 7. § 15. *C.* 7. *Ben.* 1800 *R.* 5. § 14. *C.* 7. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 7.

31. Farmers may summon, and compel the attendance of, tenants for a just purpose, without application to the Courts of Justice; but are liable to damages on suit for abuse of this power: persons opposing them in their due exercise of it are also liable to damages on suit, or to criminal prosecution for breach of the peace. *Beng.* 1799 *R.* 7. § 15. *C.* 8. *Ben.* 1800 *R.* 5. § 14. *C.* 8. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 8.

32. Tenants are liable to suit for any loss which the farmer may sustain by their wantonly causing the Zemindaree officers to be summoned to the Civil or Criminal

Courts.

A. D 1799 Courts. *Beng.* 1799 *R.* 7. § 12. *Ben.* 1800 *R.* 5. § 12. *Ced. Prov.* 1803 *R.* 28. § 38.

33. A farmer may proceed by Section 15, Regulation 7 of 1799, against his native agents, for the recovery of money and accounts in their hands. *Beng.* 1799 *R.* 7. § 20. *Ben.* 1800 *R.* 5. § 19. *Ced. Prov.* 1803 *R.* 28. § 37.

F E E S.

I. *ON THE INSTITUTION & TRIAL OF SUITS.*

1. Fees now Abolished.

A. D 1795 Superseded 1797 R. 6 § 1 — 1. Fees at the following rates imposed in Bengal &c. on the institution of suits and appeals. *Beng.* 1795 *R.* 38. § 1.

ditto — 2. And in Benares by the extension of the Regulation to that province. *Ben.* 1795 *R.* 60. § 2.

ditto — 3. On suits preferred to the native Munsifs, one Anna in each Rupee. *Beng.* 1795 *R.* 38. § 2. *C.* 1.

ditto — 4. On suits preferred to a Zilla or City Court, at the following rates. *Ibid* § 3. *C.* 1.

ditto — 5. In suits for money or personal property, one Anna in each Rupee as far as 50 Rupees, half an Anna as far as 200 Rupees, 3 per cent as far as 1000 Rupees, 2 per cent as far as 5000 Rupees, 1 per cent as far as 25,000 Rupees, ½ per cent as far as 50,000 Rupees, and ¼ per cent beyond 50,000 Rupees. *Ibid* § 3. *C.* 2.

ditto — 6. And at the same rates, calculated on the annual Jumma, in suits for Malguzaree land. *Ibid* § 3. *C.* 3.

ditto — 7. On the annual produce of Lakheraj land. *Ibid* § 3. *C.* 4.

ditto — 8. And on the estimated value of all other real property. *Ibid* § 3. *C.* 5.

ditto — 9. And the same fees on appeals from the decisions of Commissioners. *Ibid* § 5. *C.* 1.

ditto — 10. Also on appeals or original causes in the Provincial Courts of Appeal and Sudder Dewannee Adaulut. *Ibid* § 6. *C.* 1.

ditto — 11. A fee on all exhibits filed besides pleadings, and on every witness summoned in suits before Zilla or City Courts; of four Annas in suits of 200 Rupees; eight Annas for suits not appealable to the Sudder Dewannee Adaulut; one Rupee on suits appealable to that Court. *Ibid* § 4. *C.* 1.

12.

12. And the same fees in appeals from decisions of native Commissioners. *Ibid* § 5. *C.* 1. — A. D. 1795 Superseded 1797 R. 6 § 2.

13. And in appeals or original causes in the Provincial Courts and Sudder Dewannee Adaulut. *Ibid* § 6. *C.* 1. — ditto

14. The suit not admissible by a Munsif until payment of the fee. *Ibid* § 2. *C.* 2. — ditto

15. And the amount to be endorsed with the date of its receipt, on the petition; and to be stated in the Munsif's monthly report of causes. *Ibid* § 2. *C.* 3. — ditto

16. Nor a suit in a Zilla Court, until payment of the fee. *Ibid* § 3. *C.* 1. — ditto

17. Nor an appeal from the decision of a Commissioner. *Ibid* § 5. *C.* 2. — ditto

18. And the right of appeal forfeited by nonpayment within the time limited for appealing. *Ibid* § 5. *C.* 2. — ditto

19. Nor an appeal nor an original suit in a Provincial Court or the Sudder Dewannee Adaulut. *Ibid* § 6. *C.* 1. — ditto

20. The fees collected by the Munsifs, to be appropriated to their own use. *Ibid* § 2 *C.* 4. — ditto

21. The institution fees on suits referred to Registers, declared payable to them for their use. *Ibid* § 3. *C.* 6. — ditto

22. And to Commissioners. *Ibid* § 3. *C.* 7. — ditto

23. The fees on exhibits declared to belong to Government. *Ibid* § 4 *C.* 3. — ditto

24. And the fees on appeals from decisions of native Commissioners. *Ibid* § 5. *C.* 3. — ditto

25. And on appeals or original suits in Provincial Courts and the Sudder Dewannee Adaulut. *Ibid* § 6. *C.* 2. — ditto

26. And the fees on suits or appeals pending (1795) *Ibid* § 10. *C.* 4. — ditto

27. And the fees on the trial of suits depending (1795.) *Ibid* § 11. — ditto

28. The amount of the exhibit fee, payable on the decision of the suit, and to be specified with the other costs in the decree. *Ibid* § 4. *C.* 2. — ditto

29. And to be awarded against the party cast, or in proportions between the parties. *Ibid* § 7. *C.* 2. — ditto

30. And the institution fee to be similarly specified and awarded. *Ibid* § 7. *C.* 1. — ditto

31. In cases adjusted by Razeenama the fees to be paid by the plaintiff or appellant, who is left to settle with the defendant or respondent. *Ibid* § 7. *C.* 3. — ditto

A. D. 1795 Superseded 1797 R. 6 § 1 — 32. These fees remitted to paupers under the rules of Regulation 46 of 1793. *Ibid* § 8.

ditto — 33. The institution fees, with exception to paupers, to be levied on all suits or appeals depending (1795) if instituted since 1st May 1793. *Ibid* § 10. *C.* 1.

ditto — 34. And the exhibit fees on the trial of all suits and appeals, whether instituted before or since. *Ibid* § 11.

ditto — 35. And all suits or appeals, since instituted, to be struck off, if the fee be unpaid in one month after requisition by public notice. *Ibid* § 10. *C.* 2.

ditto — 36. But appeals, thus struck off, may be renewed on payment of the fee. *Ibid* § 10. *C.* 3.

ditto — 37. The same fee as on exhibits, except in case of paupers, to be paid on all petitions not relating to a suit or appeal depending; and the petition not to be filed until payment of the fee. *Ibid* § 9.

ditto — 38. Or, if filed, no order to be passed open it. *Ibid* § 12.

2. Fees now in Force.

A. D. 1797 — 1. Fees at the following rates are to be levied on the institution and trial of suits and appeals, in lieu of those imposed by Regulation 38 of 1795. *Beng. Ben.* 1797 *R.* 6. § 1. *Ced. Prov.* 1803 *R.* 43. § 1.

2. On suits preferred to the native Munsifs, one Anna on each Rupee. *Beng. Ben.* 1797 *R.* 6. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 43. § 3. *C.* 1.

3. On suits preferred to a Civil Court, at the following rates. *Beng. Ben.* 1797 *R.* 6 § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 43. § 4. *C.* 1.

4. In suits for money or personal property, one Anna in each Rupee, as far as 200 Rupees, four per centum as far as 1000 Rupees, three per centum as far as 5000 Rupees, two per centum as far as 25,000 Rupees, one per centum as far as 50,000 Rupees, half per centum exceeding 50,000 Rupees. *Beng. Ben.* 1797 *R.* 6. § 4. *C.* 2. *Ced. Prov.* 1803 *R.* 43. § 4. *C.* 2.

Modified 1798 R. 5 § 8 — 5. And at the same rates calculated on the annual Jumma, in suits for Malguzaree land. *Beng. Ben.* 1797 *R.* 6. § 4. *C.* 3. *Ced Prov.* 1803 *R.* 43. § 4. *C.* 3.

6. And on ten times the annual produce of Lakheraj land. *Beng. Ben.* 1797 *R.* 6. § 4. *C.* 4. *Ced. Prov.* 1803 *R.* 43 § 4. *C.* 4.

7. And on the estimated value of all other real property. *Beng. Ben.* 1797 *R.* 6. § 4. *C.* 5. *Ced. Prov.* 1803 *R.* 43. § 4.

8.

8. And in appeals from decisions of Commissioners or of Registers. *Beng. Ben.* 1797 *R.* 6. § 6. *C.* 1. *Ced. Prov.* 1803 *R.* 43. § 6. *C.* 1. A. D. 1797

9. Also in appeals or original causes in Provincial Courts of Appeal or in the Sudder Dewannee Adaulut. *Beng. Ben.* 1797 *R.* 6. § 7. *Ced. Prov.* 1803 *R.* 43. § 7.

10. On all exhibits filed besides pleadings, and on every witness summoned, in suits before Zilla or City Courts, eight Annas in suits of 200 Rupees; one Rupee in suits not appealable, and two Rupees in suits appealable, to the Sudder Dewannee Adaulut. *Beng. Ben.* 1797 *R.* 6. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 43. § 5. *C.* 1.

11. In appeals from decisions of Commissioners or Registers. *Beng. Ben.* 1797 *R.* 6. § 6. *C.* 1. *Ced. Prov.* 1803 *R.* 43. § 6. *C.* 1.

12. And in appeals or original causes before the Courts of Appeal and Sudder Dewannee Adaulut. *Beng. Ben.* 1797 *R.* 6 § 7. *Ced. Prov.* 1803 *R.* 43. § 7.

13. The suits not to be received by a Munsif till the fee be paid. *Beng. Ben.* 1797 *R.* 6. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 43. § 3. *C.* 2.

14. Who shall endorse the fee and date of receipt on the petition and state the amount in the monthly report of causes. *Beng. Ben.* 1797 *R.* 6. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 43. § 3. *C.* 3.

15. Nor a suit in a Zilla or City Court, until the fee be paid. *Beng. Ben.* 1797 *R.* 6. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 43. § 4. *C.* 1.

16. Nor an appeal from the decision of a Commissioner. *Beng. Ben.* 1797 *R.* 6. § 6. *C.* 2. *Ced. Prov.* 1803 *R.* 43. § 6. *C.* 2.

17. And if the fee be not paid within the time limited for appealing, the right of appeal is forfeited unless it be admitted in the Court's discretion. *Beng. Ben.* 1797 *R.* 6. § 6. *C.* 2. *Ced. Prov.* 1803 *R.* 43. § 6. *C.* 2.

18. Nor an appeal, nor an original suit, in Provincial Courts or in the Sudder Dewannee Adaulut, under the same restriction. *Beng. Ben.* 1797 *R.* 6. § 7. *Ced. Prov.* 1803 *R* 43. § 7.

19. Exhibits are not to be received, nor witnesses summoned, until the fees be paid. *Beng. Ben.* 1797 *R.* 6. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 43. § 5. *C.* 2.

20. The whole of the fees collected by the Munsifs are to be appropriated to their own use. *Beng. Ben.* 1797 *R.* 6. § 3. *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 3. *C.* 4. Modified 1803 R. 49 § 11

21. A proportion of the fee is to be paid to the Registers on suits referred to them. *Beng. Ben.* 1797 *R.* 6. § 4. *C.* 6. ditto § 7 C. 1

22.

A. D. 1797 Modified 1803 R 49 § 11

22. And the whole fee to the Commissioners. *Beng. Ben.* 1797 *R.* 6. § 4. *C.* 7. *Ced. Prov.* 1803 *R.* 43. § 4. *C.* 7.

23. All other fees are to be carried to the account of Government. *Beng. Ben.* 1797 *R.* 6. § 28. *Ced. Prov.* 1803 *R.* 43. § 21.

24. The amount of the institution fee is to be specified with the other costs in the decree; and may be awarded against the party cast, or in proportions between the parties. *Beng. Ben.* 1797 *R.* 6. § 8. *C.* 1. *Ced. Prov.* 1803 *R.* 43. § 8. *C.* 1.

25. And the fee on exhibits and witnesses. *Beng. Ben.* 1797 *R.* 6. § 8. *C.* 2. *Ced. Prov* 1803 *R.* 43 § 8. *C.* 2.

26. These fees may be remitted to paupers under the rules of Regulation 46 of 1793. *Beng. Ben.* 1797 *R.* 6. § 9. *Ced. Prov.* 1803 *R.* 43. § 9.

27. The exhibit fee is to be paid on all exhibits accompanying any miscellaneous petition, not relating to a suit or appeal pending: and the exhibit shall not be filed till the fee be paid unless remitted on account of poverty. *Ben. Beng.* 1797 *R.* 6. § 10. *Ced Prov.* 1803 *R.* 43. § 10.

28. Appeals, struck off under Clause 2, Section 10, Regulation 38 of 1795, shall not be admitted after three months from a publication to be made. *Beng. Ben.* 1797 *R.* 6. § 11.

A. D. 1798

29. No institution fee is to be taken on summary suits for dispossession and for rents; nor on appeals from the relevancy of such suits. *Beng. Ben.* 1798 *R.* 5. § 7. *Ced Prov.* 1805 *R.* 8. § 27. *C.* 2.

30. The institution and exhibit fees are to be taken on the annual produce of Mal-guzaree lands instead of the annual Jumma. *Beng. Ben.* 1798 *R.* 5. § 8.

A. D. 1799

31. No institution fee, nor fee on exhibits, is to be taken in summary suits for rent. *Beng. Ben.* 1799 *R.* 7. § 18. *Ben.* 1800 *R.* 5. § 17. *Ced. Prov.* 1803 *R.* 28. § 35.

A. D. 1800 Superseded 1803 R. 49 § 6 C. 4

32. The institution fee, on appeals referred by Judges to the Register, from decisions of Commissioners, shall be paid to the Registers. *Beng. Ben.* 1800 *R.* 3. § 3.

33. The exhibit fee is not to be taken on the exhibits delivered on the original trial of a suit before a Commissioner; but only on such as may be delivered on the trial of the appeal. *Beng. Ben.* 1800 *R.* 7. § 20.

34. The fee of one Rupee on causes not appealable to Sudder Dewannee Adaulut, is to be taken in causes not exceeding 1000 Rupees; and the fee of two Rupees, in causes exceeding

exceeding 1000 Rupees. *Beng. Ben.* 1800, *R.* 7. § 21. *Ced. Prov.* 1803 *R.* 43. § 5 *C.* 1. A. D. 1800

35 The exhibit fee is not to be taken on supplemental pleadings, nor petitions of parties or their Vakeels; but upon all documents including Vakalutnamas. *Beng Ben.* 1800 *R.* 7 § 22. *Ced Prov.* 1803 *R* 43. § 11.

36. If a decision in favour of a pauper plaintiff be reversed in appeal, the institution fee paid by the defendant on appealing shall be returned to him, and recovered from any property of the plaintiff which may be found; the Sudder Dewannee Adaulut may return the institution fee in other cases also. *Beng. Ben.* 1802 *R.* 3 § 5. *Ced. Prov.* 1803 *R.* 14. § 9. A. D. 1802

37. Clause 6, Section 4, Regulation 6 of 1797, is rescinded, Registers shall receive a moiety of the institution fee in suits decided on trial or adjusted by Razeenama. *Beng. Ben.* 1803 *R.* 49 § 7. *C.* 1. *Ced. Prov* 1803 *R.* 43. § 4. *C.* 6. A. D. 1803

38. But shall receive no part of the fee in suits dismissed for default or on nonsuit. *Beng Ben.* 1803 *R* 49. § 7 *C.* 2 *Ced. Prov.* 1803 *R.* 43. § 4 *C* 6.

39 An acting Register shall receive the same proportion of the fee in suits decided by him on trial or adjusted by Razeenama. *Beng Ben* 1803 *R* 49 § 7 *C.* 3 *Ced. Prov* 1803 *R* 43 § 4 *C.* 6

40 Hurkarah Commissioners shall receive the institution fee on suits decided on the merits or adjusted by Razeenama. *Beng Ben.* 1803 *R.* 49 § 11. *C.* 1. *Ced. Prov* 1803 *R* 43. § 3. *C* 5.

41. But not if dismissed for default. *Beng. Ben* 1803 *R.* 49. § 11. *C.* 2. *Ced. Prov* 1803 *R* 43 § 3 *C* 5.

42 Other native Commissioners also shall not be entitled to the institution fee on causes determined by them, if the suit be dismissed, on any ground, without a decision on the merits or a Razeenama. *Beng. Ben.* 1803 *R.* 49 § 11. *C.* 3. *Ced. Prov.* 1803 *R.* 43 § 4. *C* 7.

43. Clause 4, Section 3, Regulation 6 of 1797, authorizing Munsifs to retain for their own use the institution fee on suits originally preferred to them, is rescinded; Munsifs are to send to the Judge a monthly statement of all such fees received by them, and remit the amount; which the Judges shall credit in their public accounts, paying back to the Munsifs the fees on such suits only, as shall appear, by the monthly report of decisions, to have been determined on the merits or adjusted by Razeenama. *Beng. Ben.* 1803 *R.* 49. § 11 *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 3. *C.* 4.

44. This rule is not applicable to suits already determined; but is to include all suits now (1803) pending before the Munsifs. *Beng. Ben.* 1803 *R.* 49. § 11. *C.* 5.

A. D. 1803 45 Commissioners may levy a fee of one Anna per Rupee on suits voluntarily submitted to their arbitration; accounting for and remitting the same to the Judge, who shall pay back to them the fee on such suits when decided on the merits or adjusted by Razeenama *Beng. Ben.* 1803 *R.* 49. § 11. *C.* 6. *Ced. Prov.* 1803 *R.* 43. § 3 *C.* 6.

46. If a Commissioner consent to arbitrate a cause so submitted to him without compensation, he shall note it on the back of the plaint under his signature. *Beng. Ben.* 1803 *R.* 49. § 11. *C.* 6. *Ced. Prov.* 1803 *R.* 43. *C.* 6.

47. The exhibit fee is not to be taken on exhibits filed in a trial before a head Commissioner, but shall be taken on exhibits delivered in an appeal from his decision. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 11. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 11.

48. No additional institution fee shall be taken on an appeal from the second decision in a cause appealed from a Commissioner and referred back for a new trial, if paid on the original appeal. *Beng. Ben.* 1803 *R.* 49. § 22. *C.* 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 9.

49. And no institution fee on an appeal from the rejection of an appeal or its dismission for default. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 3. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

A. D. 1805 50. No institution fee is to be levied on appeals preferred to the Sudder Dewannee Adaulut from the decisions of the Courts of Chinsura or Chandernagore. *Beng.* 1805 *R.* 1. § 11.

51. Nor on appeals from the rejection of an original suit or its dismission for default. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 11.

52. No institution fee is to be taken on any suit or appeal in which the Courts are authorized to pass a summary judgment. *Ced. Prov.* 1805 *R.* 8. § 27. *C.* 2.

53. The institution fee on the causes decided by a law officer of a Zilla Court, in his capacity of head Commissioner, shall be paid to him. *Beng. Ben. Ced. Prov.* 1805 *R.* 15. § 4.

II. ON THE PLEADING OF SUITS.

A. D. 1793 Repealed 1879 § 9 to C. 1 1. Fees are allowed to pleaders in civil suits at the following rates; on sums not exceeding 1000 Rupees, 5 per centum; 5000 Rupees, 4 per cent; 10,000 Rupees, 3 per cent; 25,000 Rupees, 2 per cent; 50,000 Rupees, 1 per cent; 1,00,000 Rupees, ½ per cent; exceeding a lack, ¼ per cent. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2.

Modified Ibid § 10 C. 2 2. The pleaders' fees are to be calculated on the annual Jumma of Malguzaree land, on the annual produce of Lakheraj lands and on the estimated value of all other real property. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2.

3. No suit nor appeal is to be received till security be given by the plaintiff or appellant for the fee of his pleader; and similar security is to be required from the defendant or respondent. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 6. 1793

4. Unless proof be made of inability to give security, on the oath of the party and of two witnesses, with two sureties for the party's appearance when required. *Beng.* 1793 *R.* 46. § 2. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 2.

5. The fee of the plaintiff's or appellant's pleader is to be paid on the amount of the decree, in addition to the fee of his own pleader, by the defendant or respondent if cast; the fee of the defendant's or respondent's pleader is to be paid on the amount of the suit, in addition to the fee of his own pleader, by the plaintiff if the suit be dismissed. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 6.

6. The sums, payable by the parties for fees to the pleaders, are to be invariably inserted in the decree. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 6.

7. The pleaders' fees are to be payable on the decision and levied notwithstanding an appeal; and to be paid to the pleader acting at the time of the decision, and not to any pleader removed, dead, or resigned, previous to the decision. *Beng.* 1793 *R.* 7. § 10. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 9.

8. Half fees are to be paid by the plaintiff, if the suit be withdrawn before rejoinder; but full fees, if withdrawn after. *Beng.* 1793 *R.* 7. § 13. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 12.

9. A retaining fee of four Annas is to be paid to a pleader on his undertaking a suit, and the pleader shall give an acknowledgment specifying the date of its receipt, and shall be dismissed if he afterwards refuse to carry on the suit. *Beng.* 1793 *R.* 7. § 7. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 6.

10. And a fee of four Annas for every petition or motion not relating to any suit depending. *Beng.* 1793 *R.* 7. § 14. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 13. *C.* 1. Re-enacted 1798 R. 3 § 14

11. For obtaining an order of reference of a suit to a native Commissioner. *Beng.* 1793 *R.* 40. § 9. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 3.

12. And for presenting a petition of appeal from the decision of a Commissioner, if the appeal be rejected. *Beng.* 1793 *R.* 40. § 2. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 10.

13.

A. D. 1793 13. The same fees, as in other suits, are allowed in appeals from decisions of native Commissioners. *Beng.* 1793 *R.* 40. § 22. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 20.

14. And to the pleader for Government in suits pleaded at the public expense. *Beng.* 1793 *R.* 7. § 28. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 26.

15. Pleaders, demanding, or accepting, more than the authorized fees, shall be suspended; and on report of the case to the Sudder Dewannee Adaulut may be dismissed. *Beng.* 1793 *R.* 7. § 19. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 18.

16. If any two pleaders shall agree to undertake a suit, and to divide the authorized fees between them, their respective proportions shall be specified in the Vakalutnama. *Beng.* 1793 *R.* 7. § 11. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 10.

17. But if a party employ two pleaders on separate fees, the opposite party if cast shall pay the fees of only one pleader, and the party entertaining the other pleader shall not be reimbursed the fees of such pleader in any case. *Beng.* 1793 *R.* 7. § 12. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 11.

A. D. 1796 Re-enacted 1798 R. 5 § 12 18. Pleaders, employed in summary suits for rent, are to receive one fourth of the fees established on regular suits, and half of that proportion if the suit be withdrawn before answer filed. *Beng. Ben.* 1796 *R.* 8. § 2.

19. This rule is to apply to all such suits already (1796) instituted, but not to any already decided. *Beng. Ben.* 1796 *R.* 8. § 3.

A. D. 1797 20. Five per centum is to be deducted from the fees received by Vakeels for pleading suits. *Beng. Ben.* 1797 *R.* 6. § 27. *Ced Prov.* 1803 *R.* 43. § 20.

A. D. 1798 21. Pleaders' fees on summary suits for the recovery of rents, fixed at one fourth of the regular fees by Regulation 8 of 1796, are to be calculated in the mode prescribed by Section 10 of this Regulation. *Beng. Ben.* 1798 *R.* 5. § 12. *Ced. Prov.* 1803 *R.* 10. § 34. *C.* 1. and § 12.

22. And pleaders' fees, in suits for dispossession, are also fixed at one fourth of the regular fees, to be calculated in the same way. *Beng. Ben.* 1798 *R.* 5. § 13. *Ced. Prov.* 1803 *R.* 10. § 34. *C.* 2.

23. Section 9, Regulation 7 of 1793, fixing the rates of fees for the pleaders, is rescinded. *Beng. Ben.* 1798 *R.* 5. § 9.

24. The following fees are to be allowed to pleaders where no other express provision shall have been made. *Beng. Ben.* 1798 *R.* 5. § 10. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 1.

25.

25 In suits for personal or real property, other than Malguzaree or Lakheraj land, on sums not exceeding 1000 Rupees, 5 per centum; from 1 to 5000 Rupees, 4 per cent; from 5 to 10,000 Rupees, 3 per cent, from 10 to 25,000 Rupees, 2 per cent, from 25 to 50,000 Rupees, 1 per cent, from 50 to 100,000 Rupees, ¾ per cent, beyond 100,000 Rupees, ½ per cent. *Beng. Ben.* 1798 *R.* 5. § 10. *C.* 1 *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 2. A. D. 1798

26 In suits for Malguzaree land, at the same rates on its annual produce. *Beng Ben.* 1798 *R* 5 § 10. *C.* 2. *Ced Prov* 1803 *R* 10. § 8. *C.* 3.

27 And in suits for Lakheraj land, at the same rates on ten times its annual produce. *Beng Ben* 1798 *R.* 5 § 10. *C* 3. *Ced Prov* 1803 *R* 10. § 8 *C* 4

28 Pleaders, agreeing to plead a cause for less than the authorized fees, shall be dismissed, and the full fee shall be forfeited to Government. *Beng. Ben* 1798 *R* 5. § 15 *Ced Prov.* 1803 *R.* 10 § 32.

29. Section 12, Regulation 7 of 1793, respecting suits withdrawn, is still in force. *Beng Ben.* 1798 *R* 5. § 11 *Ced. Prov.* 1803 *R* 10 § 8 *C* 5

30 Where the fee of four Annas, allowed by Section 14, Regulation 7 of 1793, on petitions and motions, shall not be deemed a sufficient compensation, the Courts may allow an adequate fee payable by the party or his opponent, not exceeding one fourth of the regular fee *Beng Ben* 1798 *R.* 5. § 14. *Ced Prov* 1803 *R.* 10. § 13 *C* 2

31 In case of its becoming necessary to levy from a defendant or respondent, although judgment be in his favor, his pleader's fees, in consequence of the plaintiff or appellant being insolvent, or from the eventual irresponsibility of the sureties, the Court shall levy from the defendant or respondent such part only of the fee as may appear an adequate compensation to the pleader, leaving the rest to be received from any property of the plaintiff or appellant which may be thereafter found *Beng Ben* 1802 *R* 3 § 3 *Ced. Prov* 1803 *R.* 10. § 35. A. D. 1802

32. Registers of Courts are to be guided by the same rule, in suits decided by them. *Beng. Ben* 1802 *R* 3 § 4. *Ced. Prov.* 1803 *R.* 10. § 35.

33 Pleaders, in suits before head Commissioners, shall receive the same fees which are authorized for pleading in the Zilla and City Courts but the same pleader shall not receive the retaining fee of Section 7, Regulation 7 of 1793, and the reference fee of Clause 3, Section 9, Regulation 40 of 1793. *Beng. Ben.* 1803 *R.* 49 § 9 *C.* 10. *Ced. Prov* 1803 *R.* 16. § 26 *C.* 10. A. D 1803

34 Pleaders, permitted to act in suits before other Commissioners, are to settle with their constituents the fees to be paid to them; which shall be specified in the Va-

A. D. 1803 kalistnama and included by the Commissioner in the costs; and no Vakeel shall be entitled to recover any fee beyond what may have been previously agreed to by his constituent. *Beng. Ben.* 1803 *R.* 49. § 16. *C.* 4. *Ced. Prov.* 1805 *R.* 16. § 7. *C.* 5.

35. If either party employ a pleader on an appeal from the rejection or dismission of an appeal, the Court may order him an adequate fee under Section 14, Regulation 5 of 1798. *Beng. Ben.* 1803 *R.* 49. § 16. *C.* 4. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

III. *MISCELLANEOUS FEES.*

1. Revenue Department.

A. D. 1793 1. Collectors are allowed a commission of 25 per centum on rent-free lands resumed at their suit; payable to the Collector who sues to judgment, unless Government shall be pleased to allow a part or the whole to another Collector. *Beng.* 1793 *R.* 19. § 13. *R.* 37. § 8. *Ben.* 1795 *R.* 41. § 13. *R.* 42. § 8. *Ced. Prov.* 1808 *R.* 31. § 8. *R.* 36. § 8.

A. D. 1795 2. Collectors are allowed a commission of 25 per centum on rent-free land resumed for non registry, payable to the Collector who discovered the omission, unless Government shall give the whole or a part to another Collector. *Beng. Ben.* 1795 *R.* 58. § 2. *Ced. Prov.* 1803 *R.* 36. § 21. *C.* 2.

3. If a permanent Jumma should not be assessed on resumed lands, the commission shall be calculated on such amount as Government may direct. *Beng. Ben.* 1795 *R.* 58. § 2. *Ced. Prov.* 1803 *R.* 36. § 21. *C.* 2.

A. D. 1797 4. A fee is payable to Collectors for registering the division or union of landed estates. *Beng. Ben.* 1797 *R.* 15. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 23. § 9. *C.* 1.

5. And for registering the transfer of the whole or a part of an estate. *Beng. Ben.* 1797 *R.* 15. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 23. § 10. *C.* 1.

6. On the division or union of estates paying a revenue to Government, the fee is ¼ per centum on the annual Jumma of estates engaged for by proprietors or farmers, and on the annual estimated receipts of estates held Khas. *Beng. Ben.* 1797 *R.* 15. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 23. § 9. *C.* 2.

7. And the same on the transfer. *Beng. Ben.* 1797 *R.* 15. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 23. § 10. *C.* 2.

8. On the division of estates exempt from rent, two and half per cent on the annual produce of the preceding year. *Beng. Ben.* 1797 *R.* 15. § 2. *C.* 3. *Ced. Prov.* 1803 *R.* 23. § 9. *C.* 3.

9. And the same on the transfer. *Beng. Ben.* 1797 *R.* 5. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 23. § 10. *C.* 3.

10.

10. The fee on rent-free land is to be calculated on the accounts of the rents receivable; which accounts the party shall produce under penalty of a daily fine, by order of the Board of Revenue, till production of them, after a written requisition from the Collector. *Beng. Ben.* 1797 *R.* 15. § 4. *Ced. Prov.* 1803 *R.* 23. § 11. A. D. 1797

11. The fee on any one division, union or transfer, is not to exceed one hundred Rupees. *Beng. Ben.* 1797 *R.* 15. § 6. *Ced. Prov.* 1803 *R.* 23. § 13.

12. The above fees and fines may be recovered by the process for recovering arrears of revenue. *Beng. Ben.* 1797 *R.* 15. § 5. *Ced. Prov.* 1803 *R.* 23. § 12.

13. The fees on a division or union shall be paid by the parties, in their respective proportion of interest. *Beng. Ben.* 1797 *R.* 15. § 7. *Ced. Prov.* 1803 *R.* 23. § 14.

14. And those on a transfer, by the party taking the transfer. *Beng. Ben.* 1797 *R.* 15. § 8. *Ced. Prov.* 1803 *R.* 23. § 15.

15. Collectors are to give receipts for the fees, and carry the amount to the credit of Government. *Beng. Ben.* 1797 *R.* 15. § 9. *Ced. Prov.* 1803 *R.* 23. § 16.

16. Collectors are to receive a commission of 5 per centum, as far as 50,000 Rupees of the Abcaree collections; and 2½ per centum, on any surplus. *Beng. Ben.* 1800 *R.* 6. § 35. *Ced. Prov.* 1803 *R.* 40. § 45. A. D. 1800

17. Collectors are to receive a commission of 10 per centum on the produce of all stampt paper for obligations, acknowledgments and deeds, sold by them or their agents. *Beng. Ben.* 1800 *R.* 7. § 11. *Ced. Prov.* 1803 *R.* 43. § 14. *C.* 4.

18. And of all other stampt papers, except that supplied to paupers. *Beng. Ben.* 1800 *R.* 7. § 15. *Ced. Prov.* 1806 *R.* 13. § 7.

19. And on the full amount of penalties respecting stamps recovered at their suit. *Beng. Ben.* 1800 *R.* 7. § 27. *Ced. Prov.* 1803 *R.* 43. § 26.

20. All other officers suing for such penalties are entitled to the same commission. *Beng. Ben.* 1800 *R.* 7. § 27. *Ced. Prov.* 1803 *R.* 43. § 26.

2. Commercial Department.

1. The Collector of Customs at Calcutta is allowed to levy a fee of 5 Rupees on every port clearance, and 5 per centum on the amount of his bills; of which he may enforce payment by the same mode with the duties themselves; and shall render to the Board of Trade, a monthly account. *Beng.* 1795 *R.* 39. § 20. A. D. 1795

2. A fee of 16 Rupees is payable at the Salt Office for every licence to import salt. *Beng.* 1795 *R.* 52. § 13.

A. D. 1795 3. And of 5 Rupees to the pilot transmitting the report of a licensed ship importing salt. *Beng.* 1795 *R.* 52. § 16.

A. D. 1797 4. The Collector of Customs in Calcutta is not to extend his fees to the additional one per centum duty. *Beng.* 1797 *R.* 1. § 6.

A. D. 1800 5. The Collector of Customs in Calcutta is allowed to levy a fee of 4 per centum on the amount of the 3½ per cent Government duties; and on the computed amount of the duties on exempted goods, except money, bullion and grain; to be divided, nine tenths to the Collector and one tenth to his Deputy. *Beng.* 1800 *R.* 11. § 2. *C.* 5.

A. D. 1801 6. The Collector of Customs in Calcutta is allowed to levy a fee of 5 percentum on the town duties; to be divided, three fifths to the Collector and two fifths to the Deputy. *Beng.* 1801 *R.* 5. § 2. *C.* 3.

7. And the other Custom Masters are allowed the same fee on the city duties at Patna, Dacca, Moorshedabad and Benares. *Beng. Ben.* 1801 *R.* 10. § 5.

8. All Custom Masters are allowed four per centum on the Government duties. *Beng.* 1801 *R.* 11. § 12. *C.* 1.

9. The Collector of Customs at Calcutta may levy, on the exportation by sea of exempted goods, a fee of eight Annas on a value not exceeding 500 Rupees; one Rupee on a value not exceeding 1000; and four Annas additional on every additional 1000 Rupees. *Beng.* 1801 *R.* 11. § 12. *C.* 3.

10. And at the same rates on Ruwannas for goods which have paid customs on importation by sea. *Beng.* 1801 *R* 11. § 12. *C.* 4.

11. The commission of the Collector at Calcutta is to be divided in the proportions of nine tenths to the Collector and one tenth to his Deputy. *Beng.* 1801 *R.* 11. § 12. *C.* 2.

12. The Collector of Customs at Chittagong is allowed the same fees on the exportation by sea of exempted goods; and on Ruwannas for goods which have paid customs on importation by sea. *Beng.* 1801 *R.* 11. § 12. *C.* 5.

13. And the Collector of Customs at Hooglee, on similar goods from the foreign settlements in Bengal. *Beng.* 1801 *R.* 11. § 12. *C.* 6.

A. D. 1802 14. Collectors of Customs at Calcutta, Hooglee and Chittagong are allowed a fee of four per centum on Maasee Ruwannas. *Beng.* 1802 *R.* 7. § 3.

A. D. 1804 15. Collectors of Customs in the Ceded Provinces are allowed to levy a commission of five per centum on the amount of the Government duties; one half of which is to be appropriated to their own use by them as are also Collectors of revenue, and the whole

by

by the others: but Deputy Collectors are not entitled to a participation in the commission. *Ced. Prov.* 1804 *R.* 11. § 37. A. D. 1804

16. And the same on the amount of the town duties. *Ced. Prov.* 1803 *R.* 6. § 11. A. D. 1803

3. Various Departments.

1. A fee of two Rupees is allowed to the Registers of Civil Courts for registering every deed, one Rupee for furnishing a copy of a deed, and half a Rupee for every search; to be paid by the party who applies, previously to a compliance with his application. *Beng.* 1793 *R.* 36. § 14. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 14. A. D. 1793

2. Cazees of Cities and Pergunnas may receive voluntary fees from a party; but shall not exact any fee for attesting deeds, or performing religious ceremonies &c. *Beng.* 1793 *R.* 39. § 8. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 8. Rescinded 1797 R. 6 § 16 C. 1 Revived 1800 R. 7 § 12

3. The fees to Cazees, allowed by Section 8, Regulation 39 of 1793, are abolished in consequence of their being allowed a commission of three Annas on each Rupee of stampt paper used by them. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 1. A. D. 1797 Rescinded 1800 R. 7 § 12

4. Cazees are again permitted to receive the fees authorized by Section 8, Regulation 39 of 1793. *Beng. Ben.* 1800 *R.* 7. § 12. A. D. 1800

5. The Calcutta Justices are to receive a commission of ten per centum on the duties levied on European distilleries, deducting the drawback on exportation. *Beng.* 1802 *R.* 2. § 27. A. D. 1802

6. The fees of the officers of the temple of Jugunnaut shall be paid out of the fund: but the Pariharees and Pundas may receive fees from the pilgrims, according to a table of rates affixed for general information. *Beng.* 1806 *R.* 4. § 6. A. D. 1806

FEMALES.

1. If female witnesses be of a rank or quality which would make it improper to compel their appearance in a Court of Justice, the Court may commission three creditable women, who shall be sworn to the faithful discharge of the trust, to examine such witnesses on oath, (or on the prescribed declaration in the instance of persons exempted from oath,) to interrogatories filed by the parties or their Vakeels. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7. A. D. 1793

2. The same authority is vested in Courts of Appeal. *Beng.* 1793 *R.* 5. § 19. ext. *Ben.* 1795 *R.* 9. § 6.

3. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 17. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 4. § 19.

A. D. 1798

4. If a defendant be a female of similar rank, compulsory process shall not issue against her, but the summons shall be served on her Dewan or principal servant: and, if he abscond or avoid the service of the summons, the Judge, on proof of the fact upon oath, shall proceed against the defendant as against absconding defendants; and, should she subsequently not appear and answer, may try the cause ex parte. *Beng.* 1798 *R.* 4. § 13. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 15.

5. Courts of Circuit shall not require the attendance of such women, either as prosecutors or witnesses, if the case be of such a nature as to admit of their evidence being taken by commission: but shall depute persons to take it in the manner prescribed by the Muhamedan law. *Beng.* 1793 *R.* 9. § 48. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 16.

6. Female convicts are to be kept separate from the males. *Beng.* 1793 *R.* 9. § § 21. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 21.

7. If a sharer in an estate under division be a female, the Court of Wards shall be careful that her rights be duly attended to. *Beng.* 1793 *R.* 25. § 26. *Ben.* 1795 *R.* 26. § 6. *C.* 2. *Ced. Prov.* 1803 *R.* 26. § 57.

8. Female landholders are not to have charge of their estates, unless judged competent by the Governor General in Council to the management of their estates; or unless partners in a joint estate with others who are not disqualified. *Beng.* 1793 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 52. § 1.

9. And their estates are to be managed in trust for them by officers of Government. *Beng.* 1793 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 52. § 1.

10. When the Collector reports a landholder disqualified on account of sex, the Court of Wards shall take the estate under their charge reporting to the Governor General in Council; who, if he deem it proper, will exempt her from the disqualification. *Beng.* 1793 *R.* 10. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 1.

11. The Court of Wards also may invest females with the charge of their estates, if fully satisfied that they are competent; reporting all such instances to the Governor General in Council. *Beng.* 1793 *R.* 50. § 3. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 3.

12. And such female landholders, so exempted, shall execute the same engagements with other landholders. *Beng.* 1793 *R.* 50. § 4. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 4.

Rescinded 1799 R. 7 § 6

13. A husband may be manager of his wife's separate property, if she desire it. *Beng.* 1793 *R.* 10. § 8. *C.* 1.

ditto

14. The recommendation of females not minors will be attended to in the choice of the manager by the Court of Wards, if not objectionable. *Beng.* 1793 *R.* 10. § 8. *C.* 2.

15.

15. Female minors shall have guardians of their own sex. *Beng* 1793 *R.* 10. § 21. *Ced. Prov.* 1803 *R* 52. § 25 Ac. D. 1793

16. And shall receive a suitable education. *Beng* 1793 *R.* 10. § 29. *Ced. Prov.* 1803 *R.* 52 § 33.

17 Disqualified females, not minors, may themselves receive and disburse the allowance for their maintenance. *Beng.* 1793 *R* 10. § 22 *Ced. Prov* 1803 *R.* 52. § 26

18 Collectors shall not take a female landholder into custody, nor order her attendance in person, under any pretext. *Beng.* 1793 *R.* 14 § 48 *Ben.* 1795 *R* 6. § 53 *Ced Prov* 1803 *R* 27 § 50. *R* 52 § 6.

19. Estates, in which females are partners with others not disqualified, are to be under a manager elected by the majority of votes, or of interest if the votes be equal, or by the Board if both votes and interest be equal *Beng* 1793 *R* 8. § 23. *Ced. Prov* 1803 *R* 52 § 5 *C* 1. Restricted Beng 1793 R. 17 § 6

20 And for such as have guardians, their guardians shall vote *Beng.* 1793 *R* 8. § 24 *Ced. Prov* 1803 *R.* 52 § 5 *C* 2. ditto

21 If they omit to elect a manager the Collector shall nominate one for the approbation of the Board. *Beng* 1793 *R* 8. § 25 *Ced Prov.* 1803 *R* 52. § 5. *C.* 3 ditto

22. And the assessment of the estate is to be similarly accepted or refused by the majority of votes *Beng* 1793 *R* 8. § 26 *Ced. Prov* 1803 *R* 52. § 5 *C.* 4.

23 The superintendence of female relations over a male minor shall not be allowed beyond his fifth year *Beng* 1793 *R* 10 § 27 *Ced Prov* 1803 *R* 52 § 31.

24 Widows of invalided Sepoys do not forfeit their Jageers by marrying again, but such Jageers shall descend to their heirs. *Beng.* 1793 *R* 43. § 9. Re-enacted 1804 R. 1 § 12

25 Suits, in which the parties are female descendants or widows of former Nazims, shall be referred to the Nazim. *Beng* 1793 *R* 16 § 10

26 Native Commissioners, in their capacity of Munsifs, shall not summon any woman to appear before them either as a party or witness, if her rank be such as to render her appearance improper *Beng.* 1793 *R.* 40. § 11 *C* 3. ext. *Ben.* 1795 *R.* 31. § 2 *Ced Prov.* 1803 *R.* 16. § 9 *C* 5. Re enacted 1803 R. 49 § 18

27 Distrainers, entering the apartments of women, whether the doors or passages leading thereto be open or not, shall be imprisoned six months, and forfeit the arrear, and restore the property attached or its value. *Beng.* 1793 *R* 17. § 21. *Ben* 1795 *R.* 45 § 19. Modified 1799 R. 7 § 10

28.

A. D. 1795 28. Rajkomars, charged with designedly causing the death of their female infants by starving or otherwise, shall be held guilty of murder. *Ben.* 1795 *R.* 21. § 13. *Ced. Prov.* 1804 *R.* 3. § 11.

29 Brahmens in Benares, preparing to maim, wound or kill their women or children in resentment to the officers of Government or to individuals, are to be apprehended, if they do not desist on being warned by the Magistrate, and are to be committed for trial before the Court of Circuit. *Ben.* 1795 *R.* 21. § 2.

30. If convicted of the intention, they shall be sentenced to a fine equal to their whole annual income as principals, or one fourth thereof as accomplices; and shall be confined till they pay the fine or give security for payment in six months, and until they give security for future good behaviour. *Ben.* 1795 *R.* 21. § 3.

31. If they should wound their women or children, they shall be sentenced to transportation. *Ben.* 1795 *R.* 21. § 8.

32. And if they should actually kill them, shall be sentenced to death. *Ben.* 1795 *R.* 21. § 9.

33. If any sharer in an estate in Benares under division be a female, the Board of Revenue shall be careful that her rights are duly attended to. *Ben.* 1795 *R.* 26. § 6. *C.* 2.

A. D. 1797 34. On the examination of a female party or witness in a Criminal Court, if a married woman, the name of her husband shall be taken down. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 4. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 3.

A. D. 1799 35. Distrainers may, in presence of a Police officer, enter the female apartments after due notice given and suitable means furnished for the removal of the women (if of a rank not to appear in public); and any distrainable property in such apartments shall be immediately removed, and the apartments left free to the former occupants: distrainers, entering female apartments in any other mode, shall be liable to heavy damages and forfeiture of the arrear. *Beng.* 1799 *R.* 7. § 10. *Ben.* 1800 *R.* 5. § 10. *Ced. Prov.* 1803 *R.* 28. § 19. *C.* 2.

36. The rule of Section 48, Regulation 14 of 1793, against the confinement of female landholders, is to be considered in full force. *Beng.* 1799 *R.* 7. § 27.

A. D. 1803 37. Munsifs are not to summon as a witness any woman of a rank or cast, which would make it improper to require her appearance. *Beng. Ben.* 1803 *R.* 49. § 18. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 9. *C.* 5.

38. Nor Commissioners acting as Referees or Arbitrators. *Beng. Ben.* 1803 *R.* 49. § 18. *C.* 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 10.

39.

39. The evidence of such woman is to be taken in the mode prescribed by Section 6, Regulation 4 of 1793. *Beng. Ben.* 1803 *R.* 49. § 18 *C.* 1. *Ced. Prov* 1803 *R.* 16. § 9. *C.* 5 A. D. 1803

40. Widows of invalided Sepoys do not forfeit their Jageers by marrying again but such Jageers shall descend to their heirs. *Beng.* 1804 *R.* 1. § 12. A. D. 18

FINES AND PECUNIARY PENALTIES.

I. *IN WHAT CASES THEY MAY BE IMPOSED.*

1. In Matters of Land Revenue.

1. The Dewan, and all native officers under a Collector, may be fined in a sum not exceeding six months salary, by the Collector, the Board of Revenue, or the Governor General in Council, for performing any act of authority without the Collector's sanction. *Beng* 1793 *R* 2. § 9. *Ben.* 1795 *R* 5 § 9 *Ced. Prov.* 1803 *R* 25. § 8 A. D. 17

2 The Board of Revenue may impose a fine not exceeding one month's salary, for any offence committed by an officer under them. *Beng* 1793 *R* 2. § 31 *C* 3 ext. *Ben* 1795 *R.* 5. § 27.

3 And a discretionary fine till compliance, on any proprietor or farmer of land, Rayat, or native officer of revenue, refusing to attend the Board when required *Beng.* 1793 *R* 2 § 23 ext *Ben* 1795 *R* 5 § 29.

4 Landholders and farmers may be fined discretionally by the *Zilla* Court, on proof of refusal to give Pottahs to the tenants. *Beng.* 1793 *R. R.* 8 § 53 *Ced Prov.* 1803 *R* 30 § 11.

5 Or for conniving at the alteration of Putwaree accounts. *Beng.* 1793 *R.* 8. § 62 *C* 8 *Ben* 1795 . 27 § 9. *C.* 8. *Ced. Prov.* 1803 *R.* 29. § 2 *C* 7.

6. And for not appointing Putwarees, and, on every subsequent offence of the same person, the preceding fine is to be doubled *Beng* 1793 *R.* 8. § 62. *C* 9 *Ben.* 1795 *R* 27 § 9 *C* 9. *Ced. Prov.* 1803 *R* 29. § 2. *C.* 8.

7 Collectors may be fined discretionally by the Court for persevering in summoning Putwarees after prohibition by the Court. *Beng.* 1793 *R.* 8. § 62. *C.* 4. *Ben.* 1795 *R* 27. § 9 *C.* 4 *Ced Prov.* 1803 *R.* 29. § 2. *C.* 3.

8 And for refusing or omitting to obey any order or decree of the Court. *Beng.* 1793 *R.* 14. § 36. *Ben* 1795 *R.* 6. § 42 *Ced. Prov* *R.* 27 § 39.

9 The Board of Revenue may impose a discretionary daily fine on holders of rent-free lands omitting or refusing to produce their titles, on requisition of the Collector

 within

A. D. 1793 within the limited time. *Beng.* 1793 *R.* 19. § 14. *R.* 37. § 9. *Ben.* 1795 *R.* 41. § 14. *R.* 42. § 9. *Ced. Prov.* 1803 *R.* 31. § 9. *R.* 36. § 9.

10. Or omitting to furnish required information towards the register of rent-free lands. *Beng.* 1793 *R.* 19. § 41. *R.* 37. § 36. *Ben.* 1795 *R.* 41. § 41. *R.* 42. § 36. *Ced. Prov.* 1803 *R.* 31. § 36. *R.* 36. § 36.

11. The Civil Courts, on proof of corruption against a native officer of a Collector respecting the registry of rent-free lands, shall fine him three times the amount proved to have been taken. *Beng.* 1793 *R.* 19. § 45. *R.* 37. § 40. *Ben.* 1795 *R.* 41. § 45. *R.* 42. § 40. *Ced. Prov.* 1803 *R.* 31. § 41. *R.* 36. § 40.

12. Or against a native servant or dependant of a Collector or of an Assistant to a Collector. *Beng.* 1793 *R.* 19. § 46. *R.* 37. § 41. *Ben.* 1795 *R.* 41. § 46. *R.* 37. § 41. *Ced. Prov.* 1803 *R.* 31. § 42. *R.* 36. § 41.

13. An Ameen deputed to divide land, being convicted of corruption, shall be fined three times the amount proved to have been received by him. *Beng.* 1793 *R.* 25. § 13. *C.* 2. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 41. *C.* 2.

14. The proprietor of an estate under division refusing to furnish required accounts, shall be liable to daily fine till compliance at the discretion of the Governor General in Council. *Beng.* 1793 *R.* 25. § 16. ext. 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 45.

15. A penalty of 25 per centum is to be levied on the amount advanced to landholders &c. for making embankments &c. if the work be not completed within the time stipulated. *Beng.* 1793 *R.* 33. § 10. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 10.

16. Native officers of a public treasury, convicted of receiving any gold or silver coin other than the legal coin and its fractional parts, shall be adjudged to discretionary fine. *Beng.* 1793 *R.* 35. § 23. *Ced. Prov.* 1803 *R.* 45. § 28.

17. The proprietor or farmer of an estate ordered for sale in execution shall be liable to a daily fine, in the discretion of the Board of Revenue, till compliance, if he refuse or omit to attend on the Ameen, or to cause the attendance of an Agent, with necessary accounts, on the requisition of the Collector; and the fine shall be reported for the confirmation of the Governor General in Council. *Beng.* 1793 *R.* 45. § 10. *Ben.* 1795 *R.* 20. § 10. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

18. And to a similar fine for not causing the attendance of the Putwarees. *Beng.* 1793 *R.* 45. § 11. *Ben.* 1795 *R.* 20. § 11. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

19. And to the same fine as for resistance to the Collector's process, if he resist the

the Ameen. *Beng.* 1793 R. 45. § 9. *Ben.* 1795 R. 29. § 8. *Ced. Prov.* 1803 R. 26. § 23. A. D. 1793

20. Landholders and farmers, omitting to furnish information required by the Collectors towards forming the register of Malguzaree lands, are liable to a fine in the discretion of the Governor General in Council, till compliance. *Beng.* 1793 R. 48. § 25 *Ben.* 1795 R. 29. § 23. *Ced. Prov.* 1803 R. 42. § 25.

21. Landholders, resisting the attachment of their lands for arrears of revenue, are liable to the same fine as for resisting the Collector's process. *Beng.* 1794 R. 3. § 10. A. D. 1794

22. Amils in Benares are liable to discretionary fine for not granting receipts for payments of Revenue. *Ben.* 1795 R. 2. § 15. C. 1. A. D. 1795

23 If the person in possession of the accounts of a rent-free estate under division refuse to produce them on written requisition by the Collector, he shall be liable to a daily fine in the discretion of the Board of Revenue till compliance. *Beng. Ben.* 1797 R. 15. § 4. *Ced. Prov.* 1803 R. 29. § 11. A. D. 1797

24. Tenants, making unfounded charges in Criminal Courts against the officers of landholders, shall be punished by Section 10, Regulation 9 of 1793 *Beng.* 1799 R 7. § 12. *Ben.* 1800 R. 5. § 12. A. D. 1799

25. Landholders, convicted of abuse of authority towards their tenants, may be fined discretionally. *Beng.* 1799 R. 7. § 15. C. 8. *Ben.* 1800 R. 5. § 14. C. 8. *Ced. Prov* 1803 R. 28. § 32. C. 8.

26. The proprietor or farmer of an attached estate, refusing or neglecting to produce accounts on the written requisition of the Collector, may be fined discretionally by the Board with the sanction of Government. *Beng.* 1799 R. 7. § 23. C. 4. *Ben.* 1800 R. 5. § 25.

27. And is liable to the penalties of Section 10, Regulation 45 of 1793, for not attending on the Ameen or not causing the attendance of the Putwarees with accounts. *Beng.* 1799 R. 7. § 23. C. 1. ext. *Ben.* 1800 R. 5. § 26. *Ced. Prov.* 1803 R. 26. § 4 C 1.

28. Landholders, farmers and rent-free grantees are liable to the same penalties, as for other omissions, if they refuse to furnish accounts required by the Collector towards forming the Pergunna registers. *Beng. Ben.* 1800 R. 8. § 7. *Ced. Prov.* 1803 R. 42. § 36. A. D. 1800

29. Or the registers of intermediate mutations. *Beng. Ben.* 1800 R. 8. § 8. *Ced. Prov.* 1803 R. 42. § 37.

30. Farmers, Serberaheas, Sezawals, or other officers, neglecting to report any new village established on an estate under their charge, shall be liable to fine in the discretion

A. D. 1800 discretion of Government on report of the case by the Collector through the Board. *Beng. Ben.* 1800 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 42. § 40.

31. Also any person not reporting to the Collector his succession, or if a guardian the ward's succession, to an estate; or reporting a succession which has not taken place. *Beng. Ben.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42. § 41.

A. D. 1801 32. Landholders may be fined one per centum per mensem, on the amount of the arrear if deemed wilful, until an attachment of their estates take place. *Beng. Ben.* 1801 *R.* 1. § 2.

33. The Governor General in Council will impose such fine as he may judge proper, on any proprietor not furnishing on requisition of the Collector accounts necessary for adjusting the Jumma on a portion of the estate ordered for sale, though he produce them previous to the day of sale, in addition to any fine imposed under Clause 4, Section 29, Regulation 7 of 1799. *Beng. Ben.* 1801 *R.* 1. § 5. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 2.

34. Sharers in a joint estate impeding or opposing the division, or not producing required accounts, shall be liable to fine in the discretion of the Governor General in Council. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 8. *R. Ced. Prov.* 1803 *R.* 26. § 51. *C.* 3.

35. And may be fined by the Board of Revenue for making frivolous objections, and by the Governor General in Council for making a groundless appeal against the partition. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 7. *Ced. Prov.* 1803 *R.* 26. § 51. *C.* 2.

2. In Matters of Sayer (Abcaree, Stamps, And Police and Pilgrim taxes.)

A. D. 1793 Rescinded 1797 R. 6 § 2 C. 1. 1. If a person, nominated by the Collector to act as Assessor of the Police tax, shall refuse to act, the Collector shall fine him in a sum not exceeding 100 Rupees. *Beng.* 1793 *R.* 23. § 16.

2. Collusion between the proprietors of palm trees and the Pasees with respect to the rents of the trees, is to be punished by a fine of three times the deficiency thereby occasioned in the receipts from the tax. *Beng.* 1793 *R.* 34. § 13. ext. *Ben.* 1795 *R.* 47. § 6.

Re-enacted 1794 R. 1 § 8 3. Illicit manufacture or vend of spirituous liquors is to be punished by a penalty of three times the annual tax at the nearest place of vend. *Beng.* 1793 *R.* 34. § 20.

ditto 4. Altered to three times the daily rate for the number of days during which the alleged dealing was carried on. *Beng.* 1793 *R.* 51. § 2.

Re-enacted 1800 R. 6 § 18 5. Illicit dealings in spirituous liquors or drugs are to be punished by a penalty of three times the daily tax at the nearest place of vend, for the period during which the illicit dealing was carried on. *Beng.* 1794 *R.* 1. § 2. ext. *Ben.* 1795 *R.* 47. § 9.

6.

6. Law papers, which are required to be on stampt paper, shall not be received in evidence if unstampt, until a penalty of ten times the stamp duty shall have been paid. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 6. A. D. 1797 Modified 1800 R. 7 § 6 C. 2.

7. Nor any copy of a judicial paper. *Beng. Ben.* 1797 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 15. *C.* 3.

8. Or of a revenue paper. *Beng. Ben.* 1797 *R.* 6. § 20. *C.* 5.

9. Nor any obligation for a sum exceeding fifty Rupees. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 3. Modified 1800 R. 7 § 6 C. 2.

10. Parties, who shall file unstampt pleadings in a cause, shall lose the benefit thereof till payment of the same penalty. *Beng. Ben.* 1797 *R.* 6. § 17. *C.* 11. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 9.

11. And the penalty shall be the same, though one sheet be stamped, if an unstampt sheet be annexed to it. *Beng. Ben.* 1797 *R.* 6. § 23. *C.* 2. *Ced. Prov.* 1803 *R.* 43. § 17. *C.* 2.

12. Liquor venders, selling without a stampt license, shall be liable to the same penalties as unlicensed venders. *Beng. Ben.* 1797 *R.* 10. § 5. *Ced. Prov.* 1803 *R.* 40. § 27.

13. Officers at the Benares quarries, convicted of exactions or corruption, shall be liable to the penalties of Regulation 13 of 1793. *Ben.* 1800 *R.* 2. § 11. A. D. 1800

14. Persons, selling after the expiration of their license, or at any place or shop except the place or shop licensed, shall be liable to the same penalties with unlicensed venders. *Beng. Ben.* 1800 *R.* 6. § 13. *Ced. Prov.* 1803 *R.* 40. § 20.

15. Persons, selling Churus or Mudut, may be punished by Section 8, Regulation 9 of 1793. *Beng. Ben.* 1800 *R.* 6. § 8. *Ced. Prov.* 1803 *R.* 40. § 19.

16. Persons, holding an unstampt document (including obligations for sums not exceeding sixteen Rupees), which ought to be written on a stamp, may get it stamped by paying a penalty of five times the duty on producing it to the Collector before the lapse of sixty days from its execution. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 2.

17. Or a penalty of ten times the duty on producing it after the lapse of sixty days. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 3.

18. Persons executing, or causing to be executed, an unstampt document, shall be liable to a fine of ten times the stamp duty besides the above penalty. *Beng. Ben.* 1806 *R.* 5. § 7.

A. D. 1800 19. Also judicial or revenue officers giving an unstamped copy of any paper. *Beng. Reg.* 1800 *R.* 7. § 26. *Cod. Prov.* 1803 *R.* 43. § 25.

20. And prosecutors in charges punishable by the Magistrate, for misrepresentations in their complaint with a view of evading payment of the stamp duty. *Beng. Reg.* 1800 *R.* 7. § 23. *Cod. Prov.* 1803 *R.* 43. § 23.

21. All evasions for defrauding the duty shall be similarly punished. *Beng. Reg.* 1800 *R.* 7. § 8.

22. Illicit dealings in spirituous liquors and drugs are to be punished by a fine of three times the monthly tax to which the parties would have been liable for each month, in which the illicit dealing was carried on. *Beng. Reg.* 1800 *R.* 6. § 18. *Cod. Prov.* 1803 *R.* 40. § 28.

A. D. 1802 23. The licensed owners of European distilleries are liable to a penalty of 1000 Rupees for not making entry of the ware-houses attached to the distillery. 1802 *R.* 2. § 4.

24. For opposing ingress of the Justices or their officers into the distillery. 1802 *R.* 2. § 6.

25. For using wash-stills of less than 200 gallons, and low-wine-stills of less than 100 gallons. 1802 *R.* 2. § 7.

26. For not giving notice when the distillery begins to work. 1802 *R.* 2. § 11.

27. For removing the Surveyor's seal from the stills after they have ceased to work, except in his presence. 1802 *R.* 2. § 12.

28. For preventing the Surveyor taking an account of the spirits conveyed from the distillery to the warehouse. 1802 *R.* 6. § 19.

29. For obstructing the officers of the Justices in searching for and seizing concealed spirits &c. 1802 *R.* 6. § 29.

30. To a penalty of 500 Rupees for not making entry of the stills, coppers, casks &c. belonging to the distillery. 1802 *R.* 2. § 5.

31. To a penalty of one Rupee one Anna on each Rupee of the tax which may be unpaid when due. 1802 *R.* 2. § 32.

32. And to a penalty of two Rupees per gallon for all spirits already manufactured (1802); of which an account shall not be rendered. 1802 *R.* 2. § 9.

33. Or manufactured without a license from the Justices. 1802 *R.* 2. § 2.

34.

34. Any European, establishing, without licence from the Calcutta Justices, a shop out of Calcutta for the sale of spirituous liquors manufactured by the European process, shall forfeit 500 Rupees. 1802 R. 2. § 22. A. D. 1802

35. The Pundits at the temple at Juggunnaut may impose fines not exceeding one month's salary on the officers of the temple, for misconduct. *Beng.* 1806 R. 4. § 16. A. D. 1806

36. And the Collector may impose similar fines. *Beng.* 1806 R. 4. § 16.

37. Lal Jatreea, attempting to evade the tax at Jugunnaut by assuming an inferior appellation, shall be liable to a fine equal to double the tax, on conviction before the Collector. *Beng.* 1806 R. 5. § 2.

38. Any person, vending stampt paper without a Sunnud from the Collector or other officer entrusted with the disposal of it, shall be fined ten times the duty on all paper sold by them. *Beng. Ben. Ced. Prov.* 1806 R. 13. § 8.

39 And the Collector or other officer, or their agents, selling stampt paper without endorsement under their official signature. *Beng. Ben. Ced. Prov.* 1806 R. 13 § 9.

3. In matters of Commerce and Customs.

1. Persons, convicted of levying prohibited Sayer duties, shall be adjudged to pay a heavy fine proportional to the case. *Beng.* 1793 R 27. § 11. *Ced. Prov.* 1804 R. 11 § 53 1805 R. 6 § 36 A. D. 1793

2. Weavers, convicted of selling the Company's cloths to individuals, shall forfeit whatever their Bazar value, or other rate received for them, shall exceed the prime cost of the thread. *Beng.* 1793 R. 31. § 3. C. 6. *Ced. Prov.* 1803 R. 37. § 3. C. 6. ext *Ben.* 1805 R. 4 § 2.

3. And, failing in their deliveries, shall forfeit 38 per centum on the stipulated price of each deficient piece of cloth. *Beng* 1793 R. 31. § 3. C. 7. *Ced Prov.* 1805 R. 37. § 3 C. 7. *Ben.* 1805. R. 4. § 2.

4. Native servants, under a Commercial Resident, convicted of changing the Company's cloths, or conniving at their alteration for a bribe, of embezzling the Company's property, of exacting money from the weavers, or of writing false balances in their accounts, shall be adjudged to pay double the amount proved. *Beng.* 1793 R. 31. § 13. *Ced. Prov.* 1803 R. 37. § 13. ext. *Ben.* 1805 R. 4. § 2.

5. Merchants shall be subject to double duties for attempting to pass the Manjee Custom-house without paying the duties and taking out a Ruwanna. *Beng.* 1793 R. 42. § 8. Reference 1801 R 11 § 9

6. And for making entry of less goods than imported or exported at Manjee. *Beng.* 1793 R. 42. § 11. ditto

6.

A. D. 1793 Re-enacted 1800 R. 11 § 3

7. And for landing any goods at Calcutta not included in the manifest. *Beng.* 1793 *R.* 42. § 23. *C.* 2.

Rescinded 1801 R. 11 § 8

8. Native officers of the Manjee Custom-house, convicted of taking any fees or other unauthorized collections, shall be fined by the Board of Trade, in a sum not exceeding six months salary. *Beng.* 1793 *R.* 42. § 16.

A. D. 1795

9. Native officers of the Benares Custom-houses are to be fined by the Collector, reporting to the Board of Trade, in a sum not exceeding twenty Rupees, for the first offence, if guilty of any neglect in respect to Ruwannas. *Ben.* 1795 *R.* 3. § 4. *Ced. Prov.* 1803 *R.* 38. § 7.

10. Merchants attempting to pass one of the four stations of collection of the Benares customs, without paying duties and taking out a Ruwanna, shall pay double duties. *Ben.* 1795 *R.* 3. § 7. *C.* 2.

11. Or a subordinate inland Chokee, without a Ruwanna. *Ben.* 1795 *R.* 3. § 7. *C.* 3.

12. If goods be found to differ from the merchant's valuation one sixth, double duties shall be taken on the excess; if one fourth, on the whole assortment. *Ben.* 1795 *R.* 3. § 8. *Ced. Prov.* 1803 *R.* 38. § 11.

13. If more goods should be found in any bale searched at the Calcutta Custom-house, than mentioned in the Chulan, double duties shall be charged on all goods already shipped by the same person, on the faith of his Chulan, upon the same vessel. *Beng.* 1795 *R.* 39. § 16. *C.* 6.

14. And the same for gruff goods. *Beng.* 1795 *R.* 39. § 16. *C.* 7.

A. D. 1797

15. Importers of foreign indigo, neglecting to pay the bonded duties within six months, shall be liable to a penalty of double the amount. *Beng. Ben.* 1797 *R.* 9. § 6.

A. D. 1800

16. The Master or Supercargo of a ship shall be liable to a penalty not exceeding the value of the goods, for all goods on freight not manifested at the Calcutta Custom-house. *Beng.* 1800 *R.* 11. § 3. *C.* 2.

17. And a penalty of half duty and half commission, for withholding original invoices or producing false invoices. *Beng.* 1800 *R.* 11. § 4. *C.* 3.

18. And penalty of double duty and commission for transshipping goods; without a pass from the Custom-house, to any other vessel than that for which they were passed. *Beng.* 1800 *R.* 11. § 6.

19. The Board of Trade may commute into double duty and commission, higher penalties incurred in respect to Government duties at the Calcutta Custom-house. *Beng.* 1800 *R.* 11. § 7. *C.* 2.

20.

20. Goods undervalued in the Khulasi, shall be charged double duty and commission by the Collector of Calcutta town duties. *Beng.* 1801 *R.* 5. § 6. *C.* 10. A. D. 1801

21. By the Collectors of City duties. *Beng. Ben.* 1801 *R.* 10. § 14. *Ced. Prov.* 1805 *R.* 6. § 21.

22. And by the Collectors of Government duties. *Beng.* 1801 *R.* 11. § 14. *C.* 2. *Ced. Prov.* 1804 *R.* 11. § 27. *C.* 2.

23. Also goods exceeding the quantity specified in the owner's application for a Ruwanna. *Beng.* 1801 *R.* 11. § 13. *C.* 3. *Ced. Prov.* 1804 *R.* 11. § 26. *C.* 3.

24. Native officers of a Custom-house may be fined by a Collector in a sum not exceeding six months salary, for any unauthorized exaction in respect of City duties. *Beng. Ben.* 1801 *R.* 10. § 28. *Ced. Prov.* 1805 *R.* 6. § 35.

25. And in respect of Government duties. *Beng.* 1801 *R.* 11. § 19. *Ced. Prov.* 1804 *R.* 11. § 31.

26. And twenty Rupees for the first offence, for permitting their official seal to be out of their possession. *Beng.* 1801 *R.* 11. § 13. *C.* 6. *Ced. Prov.* 1804 *R.* 11. § 26. *C.* 6.

27. The Board of Trade may commute into double duty and commission, any higher penalty incurred at the Calcutta Custom-house in respect of the town duties. *Beng.* 1801 *R.* 5. § 14.

28. And at any inland Custom-house in respect of City duties. *Beng. Ben.* 1801 *R.* 10. § 26. *Ced. Prov.* 1805 *R.* 6. § 33.

29. Or of Government duties. *Beng.* 1801 *R.* 11. § 21. *C.* 2. *Ced. Prov.* 1804 *R.* 11. § 33. *C.* 2.

4. In matters of Salt.

1. Native officers, under a Salt Agent, convicted of disposing or conniving at the disposal of salt illicitly, of making salt on their private account, of embezzling the Company's salt, or of writing false balances in their accounts, shall be adjudged to pay double the amount proved. *Beng.* 1793 *R.* 29. § 15. A. D. 1793

2. Landholders are liable to a fine of 25 per centum on the value of all salt illegally made or transported in their estates. *Beng.* 1793 *R.* 30. § 7. Re-enacted 1801 R. 6 § 7

3. The owner of a ship licensed to import salt by sea, shall be liable to a penalty of 100 Rupees if the ship's name be not painted on the stern, or be obliterated, concealed or defaced. *Beng.* 1793 *R.* 52. § 4. A. D. 1793

A. D. 1795 4. And a penalty of ten Rupees per Maund on all salt beyond five Maunds, reserved on board of such a ship. *Beng.* 1795 *R.* 52. § 9.

5. The master of such a ship is liable to a fine of 100 Rupees for refusing to deliver to the Pilot a report of the quantity of salt on board. *Beng.* 1795 *R.* 52 § 17.

6. And the master or owners, to a penalty of ten Rupees per Maund on all salt proved to have been on board beyond the quantity reported. *Beng.* 1795 *R.* 52. § 18.

7. If the Pilot neglect to forward to the salt office, or to the Master Attendant, the report delivered to him by the master of such ship, he shall be fined five Rupees. *Beng.* 1795 *R.* 52. § 16.

A. D. 1800 8. Persons, convicted of vending adulterated salt, shall be liable to a fine of ten Rupees per Maund. *Beng. Ben.* 1800 *R.* 4. § 2.

9. And the fine may be increased to fifteen Rupees per Maund, if they bring a suit disputing the confiscation without just grounds, and merely to create delay. *Beng. Ben.* 1800 *R.* 4. § 6.

A. D. 1801 10. All persons, importing salt by sea without a license, shall forfeit ten Rupees per Maund on all the salt so imported. *Beng.* 1801 *R.* 6. § 5. *C.* 2.

11. Landholders in charge of their estates shall be liable to a fine of 5000 Rupees, on proof of the existence or establishment, after 31st August 1801, of any Khalaries or salt pans on their estates. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 1.

12. Also farmers holding their farms from Government, and officers of Government in charge of Khas lands. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 2.

13. And proprietors of rent-free lands. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 3.

14. And managers for disqualified landholders. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 4.

15. Landholders, whose estates are farmed or held Khas, shall be liable to the same fine, if it be proved that they know, and did not give notice, of such works. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 2.

16. Subordinate officers of the Salt Department, releasing any seizure of salt without orders from the salt Agent, the Superintendent of Chokees, or the Board of Trade, shall be subject to a penalty of 250 Rupees per hundred Maunds of the salt released. *Beng. Ben.* 1801 *R.* 6. § 17.

17. Daroghas of salt Chokees are subject to a penalty of 250 Rupees per hundred Maunds of salt illegally passed at their Chokee, if convicted themselves; or when absent without

without leave, if the person left in charge by them be convicted. *Beng. Ben.* 1801 *R.* 6. § 28. A. D. 1801

18. And the Molurer of the Chokee, to a penalty of eight Annas per Maund on conviction of the Darogha, unless absent with leave. *Beng. Ben.* 1801 *R.* 6. § 31. *C.* 3.

19. Officers of Chokees, to a fine of four times the amount of all gratuities proved to have been received by them. *Beng. Ben.* 1801 *R.* 6. § 31. *C.* 1.

20 And all salt officers, to a fine of 500 Rupees per hundred Maunds of salt obtained from the manufacturers by any illegal means or manufactured for themselves. *Beng. Ben.* 1801 *R.* 6. § 30.

21. Persons, engaging in any fraudulent dealings with respect to Ruwannas, shall be subject to a fine of 250 Rupees per hundred Maunds of the salt specified in the Ruwanna. *Beng. Ben.* 1801 *R.* 6. § 24.

22. And persons, whose salt is confiscated, to a further penalty of 500 Rupees per hundred Maunds of the salt confiscated. *Beng. Ben.* 1801 *R.* 6. § 26.

23. And dealers in salt, to a fine of five Rupees per Maund of salt advanced for, purchased, or obtained from Molungees, or salt officers. *Beng. Ben.* 1801 *R.* 6. § 29.

5. In Matters of Opium.

1. The opium Contractor is to pay a penalty of 300 Rupees per chest on deficient deliveries, unless occasioned by calamity of season reported to the Collector within five days from its occurrence. *Beng.* 1793 *R.* 32. § 2. *C.* 7. *Ben.* 1795 *R.* 32. § 2. *C.* 7. A. D. 1793 Expired

2. And 750 Rupees per chest on all opium disposed of by him to any person. *Beng.* 1793 *R.* 32. § 2. *C.* 9. *Ben.* 1795 *R.* 32. § 2. *C.* 8. ditto

3. And may be fined discretionally by the Magistrate, for using scales or weights not sealed by the Magistrate, or uneven scales and weights though sealed. *Beng.* 1793 *R.* 32. § 2. *C.* 20. *Ben.* 1795 *R.* 32. § 2. *C.* 15. ditto

4. And by Government for including adulterated opium in his deliveries to the Company. *Beng.* 1793 *R.* 32. § 2. *C.* 23. *Ben.* 1795 *R.* 32. § 2. *C.* 21. ditto

5. Opium tenants, embezzling opium or otherwise disposing of it, shall be liable to a fine of four Rupees per Seer, when the opium can be seized; and ten Rupees per Seer, when it cannot. *Beng.* 1793 *R.* 32. § 2. *C.* 21. *Ben.* 1795 *R.* 32. § 2. *C.* 18. Re-enacted 1799 R. 6 § 9

6. All persons, not European British subjects, purchasing smuggled opium are liable to the same fine; and landholders and farmers, conniving at or knowing of the sale ditto § 17

of

A. D. 1793 of smuggled opium in their estates, are subject to a fine of ten Rupees per Seer. *Beng.* 1793 *R.* 32. § 5. *Ben.* 1795 *R.* 32. § 4. *Ced. Prov.* 1803 *R.* 41. § 10.

A. D. 1795 Re-enacted 1799 R. 6 § 15 7. Natives, convicted of illegally manufacturing opium in Benares, shall be fined 325 Rupees for every Maund so provided. *Ben.* 1795 *R.* 32. § 3.

ditto 8. Persons, cultivating the poppy without apprizing the Contractor or his Agent, shall be liable to the same penalty as for an illegal sale of opium. *Beng. Ben.* 1793 *R.* 58 § 3. *C.* 2.

A. D. 1797 9. Persons, importing opium from any foreign country, shall be liable to the same penalties as for other illegal dealings in opium. *Beng. Ben.* 1797 *R.* 1. § 8. *Ced. Prov.* 1803 *R.* 41. § 9.

A. D. 1799 10. The opium Agents may be fined discretionally by the Magistrate for using scales or weights not sealed by the Magistrate, or uneven scales or weights though sealed. *Beng. Ben.* 1799 *R.* 6 § 8.

11. Opium tenants embezzling opium, or otherwise disposing of it, shall be liable to a fine of four Rupees per Seer, when the opium can be seized; and ten Rupees per Seer, when it cannot. *Beng. Ben.* 1799 *R.* 6. § 9.

12. And four Rupees per Seer on opium cultivated, except on advances from Government. *Beng. Ben.* 1799 *R.* 6. § 15.

13. Landholders and farmers conniving at, or knowing of, the sale of contraband opium in their estates, are liable to fine of ten Rupees per Seer; and all persons purchasing it, or having it in their possession, to a fine of four Rupees per Seer, when the opium can be seized; and ten Rupees per Seer when it cannot. *Beng. Ben.* 1799 *R.* 6. § 17. *Ced. Prov.* 1803 *R.* 41. § 10.

14 Also British subjects, if convicted to the satisfaction of the Governor General in Council. *Beng. Ben.* 1799 *R.* 6. § 18. *Ced. Prov.* 1803 *R.* 41. § 11.

15. Opium tenants, failing to cultivate the number of Beghas stipulated, shall be liable to a penalty of three times the advances on the quantity of land deficient. *Beng. Ben.* 1799 *R.* 6. § 6.

A. D. 1803 16. Persons, cultivating the poppy in the Ceded Provinces, shall pay a fine of ten Rupees per Begha when the poppy can be destroyed, or the opium if extracted can be seized; and of sixteen Rupees per Begha when it cannot. *Ced. Prov.* 1803 *R.* 41. § 3.

17. Landholders and farmers are liable to the same fine for all poppy cultivated within their estates with their connivance. *Ced. Prov.* 1803 *R.* 41. § 4.

18.

18. And Police officers for poppy cultivated within their jurisdictions. *Ced. Prov.* A. D. 1803. 1803 *R.* 41. § 6.

6. In Judicial Matters.

1. A plaintiff bringing a suit in one Court, while a similar suit is pending in another, A. D. 1793. or a suit deemed frivolous, or vexatious, or groundless, may be fined in the discretion of the Court. *Beng.* 1793 *R.* 3. § 12. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 9.

2. And witnesses refusing to attend, or to give evidence, or to sign their depositions, may be fined in a sum not exceeding 500 Rupees, if it be proved on oath that their evidence was material to the cause. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

3. And persons guilty of contempt of court in open Court, in a sum not exceeding 200 Rupees. *Beng.* 1793 *R.* 4. § 21. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 22.

4. A pleader of a Civil Court may be fined in a sum not exceeding 100 Rupees, if guilty of disrespect to the Court in open Court. *Beng.* 1793 *R.* 7. § 16. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 15.

5. And fifty Rupees for the first offence, and 100 Rupees for the second offence, if absent unless from indisposition, and without having notified his inability to the Register. *Beng.* 1793 *R.* 7. § 32 ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 30.

6. And by the Sudder Dewannee Adaulut discretionally, for promoting litigious suits, and for fraud or misbehaviour, though not relating to a suit. *Beng.* 1793 *R.* 7. § 17. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 16.

7. Landholders, farmers, and their several officers, agents, servants and Rayats, may be fined discretionally for taking cognizance of, or interfering in, judicial matters. *Beng.* 1793 *R.* 8. § 06.

8. Persons, convicted before a Magistrate of calumny, abusive language, petty assaults and affrays, may be punished by fine not exceeding fifty Rupees; except landholders paying an annual revenue of more than 10,000 Rupees, holders of rent-free land yielding more than 1000 Rupees annual produce, and Aymadars paying an annual quit rent of more than 500 Rupees, who may be fined as far as 100 Rupees. *Beng.* 1793 *R.* 9. § 8. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 8.

9. And prosecutors in such charges, if deemed litigious, vexatious or groundless, may be similarly fined. *Beng.* 1793 *R.* 9. § 10. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 10.

A. D. 1792 10. A native ministerial officer of a Civil and Criminal Court, convicted of corruption or extortion, shall be fined three times the amount proved to have been received by him. *Beng.* 1793 *R.* 13. § 9. *C.* 8. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 8.

11. Also a ministerial officer being a covenanted servant of the Company. *Beng.* 1793 *R.* 13. § 9. *C.* 9. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 9.

12. And native servants or dependants of a Judge. *Beng.* 1793 *R.* 13. § 11. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 14.

13. And the same in regard to the law officers of the Courts. *Beng.* 1793 *R.* 18. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 1.

14. Police officers are prohibited from imposing fines on any person apprehended by them, or on the prosecutors or their witnesses, or on any persons whomsoever. *Beng.* 1793 *R.* 22. § 11. *Ben.* 1795 *R.* 17. § 11. *Ced. Prov.* 1803 *R.* 35. § 11.

15. Also Kotwals of Cities and Daroghas of City wards. *Beng.* 1793 *R.* 22. § 34. *Ben.* 1795 *R.* 17. § 32.

16. Parties, Vakeels, or witnesses, guilty of disrespect to a native Commissioner of lawsuits, and witnesses refusing to give evidence, may be fined discretionally by the Commissioner. *Beng.* 1793 *R.* 40. § 9. *C.* 13. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 13.

17. Commissioners are prohibited from imposing any fines except as above authorized. *Beng.* 1793 *R.* 40. § 13. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 11.

18. Persons, refusing to attend, or give evidence, or sign their depositions, in Provincial Courts of Appeal, or guilty of contempt of Court, are liable to the same fine as for similar offences in a Zilla Court. *Beng.* 1793 *R.* 5. § 20. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 20.

19. Also in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 18. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 18.

20. Or in causes before arbitrators, after the Judge's sanction shall have been obtained *Beng.* 1793 *R.* 16. § 6. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 6.

A. D. 1795 21. Brahmens, convicted by the Court of Circuit in Benares, of establishing a Koorh, or of being prepared to kill or wound their women or children, in resentment of an injury from a third person, shall be fined a sum equal to the offender's annual income;

come; and persons aiding and abetting in it, a sum equal to one fourth thereof. *Ben.* 1795 *R.* 21. § 3. A. D. 1795

22. Appeal Courts may punish litigious appellants by a discretionary fine. *Beng. Ben* 1796 *R.* 13. § 3. *Ced. Prov.* 1803 (for Provincial Courts) *R.* 4. § 35. (for Sudder Dewannee Adaulut) *R.* 5. § 12. A. D. 1796

23. Landholders and farmers in Benares, convicted of wilful neglect of Police duties, may be fined discretionally by the Magistrate. *Ben.* 1797 *R.* 2. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 3. A. D. 1797

24. Sentences of Magistrates for forfeiture of land or lease, for such neglect, may be commuted to a fine by the Nizamut Adaulut; or, if confirmed by the Nizamut Adaulut, may be so commuted by Government. *Ben.* 1797 *R.* 2. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 5.

25. Persons, convicted of sitting Dhurna, may be fined by the Court of Circuit in a sum not exceeding 1000 Rupees. *Beng.* 1797 *R.* 5. § 4. *Ced. Prov.* 1804 *R.* 3. § 10. *C* 1.

26. Appeals to the Sudder Dewannee Adaulut from the rejection or dismissal of an appeal by a Provincial Court of Appeal, if found groundless or litigious, shall be punished by a discretionary fine. *Beng. Ben.* 1801 *R.* 2. § 8. *Ced. Prov.* 1803 *R.* 5. § 10. *C.* 13. A. D. 1801

27. And similar appeals to a Provincial Court of Appeal from the rejection or dismissal, by a Zilla or City Judge, of an appeal from the decision of a Register or native Commissioner. *Beng. Ben.* 1801 *R.* 2. § 9. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 12. & 13.

28. Such appeals, if found litigious, shall be invariably punished by a fine proportionate to the appellant's condition and the circumstances of the case. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 3. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6. A. D. 1803

29. Criminal Courts may fine, as far as 500 Rupees, witnesses refusing to attend, or to give evidence, or to sign their depositions. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 2.

30. Fines on refusing witnesses in the Civil and Criminal Courts shall not be imposed until they persevere in their refusal, on being a second time called on after an interval of one day. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 2.

31. Litigious appeals from the Courts of Chandernagore and Chinsura to the Sudder Dewannee Adaulut, and contempt of those Courts in any petition, pleading or proceeding, shall be punishable by a discretionary fine. *Beng.* 1805 *R.* 1. § 11. A. D. 1805

A. D. 1805 32. Appeals from the rejection of an original suit, if litigious, shall be punished by a fine. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 11.

33. The Magistrate of Chandernagore and Chinsura may punish abusive language, calumny, inconsiderable assaults and affrays, and petty thefts, by fine not exceeding 200 Rupees. *Beng.* 1805 *R.* 16. § 4.

34. Zemindars in charge of Police in the Jungul Mehals may be punished by fine, for neglect of Police duties. *Beng.* 1805 *R.* 18. § 7. *C.* 15.

35. As also the Payiks and other watchmen employed by them. *Beng.* 1805 *R.* 18. § 7. *C.* 5.

7. For Resistance to Legal Process.

A. D. 1793 1. Forfeitures of land of landholders for resistance to process of a Zilla Court may be commuted, in four weeks, for a fine, by the Governor General in Council. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23.

2. Or for resistance to process of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23. *C.* 1.

3. Or of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 4. § 24.

4. Or of a Collector. *Beng.* 1793 *R.* 14. § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 27. § 23.

5. And forfeitures of lease for resistance of farmers to process of a Zilla Court. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 1.

6. Or of a Provincial Court of Appeal. 1793 *R.* 5. § 25. ext *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

7. Or of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

8. Or of a Collector. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

9. And the Court may impose a discretionary fine on all other persons, for resistance to process of a Zilla Court. *Beng.* 1793 *R.* 4. § 25. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 26.

10. Or of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 26. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 26.

11.

11. Of of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 27. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 27. A. D. 1793

12. And on sureties of landholders and farmers for resistance to a Collector. *Beng.* 1793 *R.* 14. § 21. *Ben.* 1795 *R.* 6. § 28. *Ced. Prov.* 1803 *R.* 27. § 28.

13. Invalids and inhabitants of invalid T'hanas, disobeying any process of the Civil or Criminal Courts, are liable to such fine as the Court is empowered to impose by any Regulation for a similar offence. *Beng.* 1793 *R.* 43. § 25. Re-enacted 1804 R. 1 § 15

14. Resistance to process of the Benares City Court is to be punished by the same fines as resistance to the Zilla Court. *Ben.* 1795 *R.* 8. § 8. A. D. 1795

15. And resistance to process of the Provincial Court of Appeal by persons in the jurisdiction of the City Court of Benares, is punishable as resistance by other persons. *Ben.* 1795 *R.* 9. § 7.

16. Also resistance by such persons to process of the Sudder Dewannee Adaulut. *Beng.* 1795 *R.* 10. § 6.

17. Forfeiture of land of landholders, and of lease of Sudder farmers, for resistance to process of Magistrates or Police officers, may be commuted by the Nizamut Adaulut to a fine; or if confirmed by the Nizamut Adaulut, may be commuted by the Governor General in Council. *Beng. Ben.* 1796 *R.* 11. § 3. *Ced. Prov.* 1804 *R.* 3. § 3. A. D. 1796

18. All other persons, convicted of such resistance, may be fined discretionally by the Magistrate. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 4. *Ced. Prov.* 1803 *R.* 3. § 2. *C.* 4.

19. If a landholder or farmer, resisting process of a City Court, should possess no land within the jurisdiction of the Court, he shall be liable to a fine under the provisions of Section 25, Regulation 4 of 1793. *Beng. Ben.* 1799 *R.* 9. § 2. A. D. 1799

20. And, in all cases of resistance to process of Zilla or City Courts, the offender may be adjudged to a fine under the provisions of the said Section instead of forfeiture, if the Court should deem it sufficient. *Beng. Ben.* 1799 *R.* 9. § 3. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 2.

21. Resistance to process of Magistrates or Police officers may be punished under Section 8, Regulation 9 of 1793, if deemed sufficient, instead of forfeiture. *Beng. Ben.* 1801 *R.* 9. § 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 5. A. D. 1801

A. D. 1804 22. Invalids and inhabitants of invalid Thanas, disobeying any process of the Civil or Criminal Courts, are liable to such fine as the Courts are empowered to impose. *Beng.* 1804 *R.* 1. § 15.

II. *HOW THEY SHALL BE RECOVERED.*

1. In matters of Land Revenue.

A. D. 1793 1. Fines, imposed by the Civil Courts on a Collector of Revenue, for not obeying a decree or order of the Court, if not paid, shall be reported with the circumstances of the case to the Governor General in Council; who, if he approve the fine, will order it to be stopped from the Collector's allowances. *Beng.* 1793 *R.* 14. § 36. *Ben.* 1795 *R.* 6. § 42. *Ced. Prov.* 1803 *R.* 27. § 39.

2. And for persevering in summoning Putwarees after prohibition by the Court. *Beng.* 1793 *R.* 8. § 62. *C.* 4. *Ben.* 1795 *R.* 27. § 9. *C.* 4. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 3.

3. Fines, imposed by Government, or by the Board of Revenue, on proprietors or farmers of land, Rayats, or native officers of revenue, for refusal to attend the Board, are to be recovered by the process prescribed for the recovery of revenue arrears. *Beng.* 1793 *R.* 2. § 33. ext. *Ben.* 1795 *R.* 5. § 29.

4. On rent-free grantees not producing their grants on requisition. *Beng.* 1793 *R.* 19. § 14. *R.* 37. § 9. *Ben.* 1795 *R.* 41. § 14. *R.* 42. § 9. *Ced. Prov.* 1803 *R.* 31. § 9. *R.* 36. § 9.

5. And not furnishing requisite information towards the registry of rent-free lands. *Beng.* 1793 *R.* 19. § 41. *R.* 37. § 36. *Ben.* 1795 *R.* 41. § 41. *R.* 42. § 36. *Ced. Prov.* 1803 *R.* 31. § 36. *R.* 36. § 36.

6. On the proprietors of estates under division, omitting to produce requisite accounts. *Beng.* 1793 *R.* 25. § 16. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 45.

7. On the proprietor or farmer of an estate for sale in execution, refusing to produce requisite accounts. *Beng.* 1793 *R.* 45. § 10. *Ben.* 1795 *R.* 20. § 10. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

8. Or neglecting to cause the attendance of the Putwarees on the Ameen. *Beng.* 1793 *R.* 45. § 11. *Ben.* 1795 *R.* 20. § 11. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

9. On landholders and farmers refusing information towards the registry of Malguzaree land. *Beng.* 1793 *R.* 48. § 25. *Ben.* 1795 *R.* 19. § 28. *Ced. Prov.* 1803 *R.* 42. § 25.

10.

10. A native officer of a Collector, convicted of corruption in respect to the registry of rent-free lands, shall be committed to prison till he discharge the fine, or it be made good by the sale of his property. *Beng.* 1793 *R.* 19 § 45. *R.* 37. § 40. *Ben.* 1795 *R.* 41. § 45. *R.* 42. § 40. *Ced. Prov.* 1803 *R.* 31. § 41. *R.* 36. § 40. A. D. 1793

11. Also a native servant or dependant of a Collector, or of an Assistant to a Collector. *Beng.* 1793 *R.* 19. § 46. *R.* 37. § 41. *Ben.* 1795 *R.* 41. § 46. *R.* 42. § 41. *Ced. Prov.* 1803 *R.* 31. § 42. *R.* 36. § 41.

12. Fines, imposed for refusal to produce accounts relating to the division of rent-free estates, are to be recovered by the same process with revenue arrears. *Beng. Ben.* 1797 *R.* 15. § 5. *Ced Prov.* 1803 *R.* 23. § 12. A. D. 1797

13. Daily fines imposed by a Collector, or by the Revenue Board, for refusal to produce accounts, are to be levied from the date when first notified to the party, if confirmed by Government, unless Government should direct otherwise. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 8. *Ced. Prov.* 1803 *R.* 26. § 51. *C.* 3. A. D. 1801

14. Fines, imposed on a proprietor for not producing accounts required for adjusting the Jumma on a portion of an estate ordered for sale, are to be recovered by the process for recovering revenue arrears. *Beng. Ben.* 1801 *R.* 1. § 5. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 2.

15. And fines imposed on a sharer in a joint estate for not producing required accounts, or for impeding the officer in making the division. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 8. *Ced. Prov.* 1803 *R.* 26. § 51. *C.* 3.

2. In Matters of Sayer (Abcaree, Stamps &c.).

1. Fines, imposed by the Collectors on persons refusing to act as assessors of the Police tax, shall be recovered by the process for recovering revenue arrears, and shall be appropriated to the payment of the Police of the Zilla where levied. *Beng.* 1793 *R.* 23. § 16. A. D. 1793 Rescinded 1797 *R.* 4 § 2 *C.* 1.

2. When a fine is imposed for illicit dealings in intoxicating liquors and drugs, the Judge shall commit the offender to close custody, and levy the penalty by the process for executing decrees, and, if property of the offender be not found sufficient to make good the penalty, he shall be kept one month to hard labour in the criminal jail, and then discharged. *Beng.* 1793 *R.* 51. § 3. *Ben.* 1795 *R.* 47. § 10. *Ced. Prov.* 1803 *R.* 40 § 29.

A. D. 1794 3. Penalties for illicit dealings in spirituous liquors and drugs are recoverable by summary process in the Civil Courts at the suit of the Collector, and are to be enforced by the mode directed in Section 3, Regulation 51 of 1793. *Beng.* 1794 *R.* 1. § 7. *Ben.* 1795 *R.* 47. § 10. *Ced. Prov.* 1803 *R.* 40. § 34.

4. One half of the penalty levied shall be paid to the informer; who may be cast in damages if the information be deemed groundless or malicious. *Beng.* 1794 *R.* 1. § 3. ext. *Ben.* 1795 *R.* 47. § 9. *Ced. Prov.* 1803 *R.* 40. § 30.

A. D. 1797 5. Penalties for using unstampt paper, where stamps are required, may in particular cases be mitigated by the Courts of Judicature to not less than double the duty. *Beng. Ben.* 1797 *R.* 6. § 23. *C.* 3. *Ced. Prov.* 1803 *R.* 43. § 17. *C.* 3.

A. D. 1800 6. Fines for evasion of stamp duties are recoverable by summary process in the Civil Courts on prosecution by the Collectors. *Beng. Ben.* 1800 *R.* 7. § 7.

7. Or by the Collectors and other officers entrusted with the disposal of stampt paper; and half of the amount received shall be paid to the informer, and ten per cent thereon to the Collector. *Beng. Ben.* 1800 *R.* 7. § 27. *Ced. Prov.* 1803 *R.* 43. § 26.

8. The Board of Revenue may remit stamp penalties, or any part thereof, on proof that no fraud was intended. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 4.

9. And the Court may also remit or reduce the fine, on evident proof of ignorance, or of no intention to defraud. *Beng. Ben.* 1800 *R.* 7. § 7.

A. D. 1802 10. All the utensils of an European distillery shall be considered to be mortgaged for the duties and penalties, and may be sold for recovery of either. *Beng. Ben.* 1802 *R.* 2. § 10.

11. Fines and penalties on European distilleries are to be heard and determined by one or more Justices of the Twenty-four Pergunnas, or by the Magistrate of the Zilla where the fine was incurred; whose judgment after summoning the party on his appearance or default, is final: and the fines may be levied by warrant, on the goods of the offender, which shall be sold, if not redeemed in fourteen days; rendering any surplus proceeds to the owner. 1802 *R.* 2. § 33.

A. D. 1805 12. Suits or informations, for fines on account of the unlicensed sale of liquor or drugs, or the fraudulent evasion of stamp duties, shall not be received after one year from the commission of the act, unless prosecuted by Government with good cause assigned for the delay. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 6.

13.

13. Fines, imposed on the officers of the temple of Jugunnath, are to be deducted from their salary. *Beng.* 1806 *R.* 4. § 16. A. D. 1806

14. But the party may apply to the Board of Revenue for redress. *Beng.* 1806 *R.* 4. § 20.

15. Penalties for vending stampt paper without a Sunnud are recoverable by summary process in the Civil Courts. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 8.

16. And penalties for vending stampt paper without the prescribed authentication. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 9.

3. In Matters of Commerce and Customs.

1. Fines, imposed for levying prohibited Sayer duties, shall be enforced by the usual process; and, if the offender's property, after making good the damages and costs, shall not suffice to make good the fine, it may be commuted into an adequate imprisonment. *Beng.* 1793 *R.* 27. § 11. *Ced. Prov.* 1804 *R.* 11. § 53. 1805 *R.* 6. § 36. A. D. 1793

2. Fines, imposed by the Board of Trade on native officers of the Manjee Custom-house, shall, on representation to the Zilla Court, through the Vakeel of Government, be levied by the process for executing decrees. *Beng.* 1793 *R.* 42. § 16. Rescinded 1801 R. 11 § 6

3. Any other merchandize, belonging to an importer of foreign indigo, may be seized and sold to make good the penalty for non-payment of the bonded duties on such indigo. *Beng. Ben.* 1797 *R.* 9. § 7. A. D. 1797

4. Penalties for goods not manifested at the Calcutta Custom-house, are to be adjudged by the Board of Trade. *Beng.* 1800 *R.* 11. § 3. *C.* 2. A. D. 1800

5. And, on refusal of payment, the Board may prohibit the landing of any further goods from the vessel. *Beng.* 1800 *R.* 11. § 3. *C.* 3.

6. And the Board may order double duties and commission to be levied in lieu of any higher penalty. *Beng.* 1800 *R.* 11. § 3. *C.* 2.

7. Such penalties, when levied, shall be divided; two fifths to Government, two fifths to the informer, and one fifth to the Collector of Customs and his Deputy, in the proportions of two thirds and one third. *Beng.* 1800 *R.* 11. § 3. *C.* 5.

8. A fine imposed by a Collector of City duties, on any of his native officers, for any illegal exaction, shall be certified by him to the Civil Court; by which it shall be levied by the mode for executing decrees. *Beng. Ben.* 1801 *R.* [illegible] § 28. *Ced. Prov.* 1805 *R.* 6. § 35. A. D. 1801

A. D. 1801 9. Also fines imposed by a Collector of Government Customs. *Beng.* 1801 *R.* 11. § 19 *Ced. Prov.* 1804 *R.* 11. § 31.

A. D. 1804 10. Fines imposed by a Collector of Government Customs, on his native officers, for illegal exactions, shall not be levied until sanctioned by the Board of Trade. *Ced. Prov.* 1804 *R.* 11. § 31.

A. D. 1805 11. And by a Collector of City duties. *Ced. Prov.* 1805 *R.* 6. § 35.

4. In Matters of Salt and Opium.

A. D. 1793 Regulation 1799 R. 6, § 9 1. Fines for embezzlements of opium by the tenants, are to be levied by the process for enforcing decrees. *Beng.* 1793 *R.* 32. § 2. *C.* 21. *Ben.* 1795 *R.* 32. § 2. *C.* 18.

ditto § 17 2. Also fines on any other person for illicit dealings in opium; and they are to be divided, half to the informer, and half to Government. *Beng.* 1793 *R.* 32. § 5. *Ben.* 1795 *R.* 32. § 4.

A. D. 1795 3. The fine imposed on the owner of a ship licensed to import salt, for not painting the ship's name on the stern, shall, if not otherwise made good, be stopped from any money due to him for salt; and divided half to the informer, and half to the Company; and, till paid, or security given for payment of the fine, the vessel shall not receive a port clearance from the Custom-Master. *Beng.* 1795 *R.* 52. § 4.

4. Until payment of fines imposed on the master of such a ship, for refusing to report to the pilot the quantity of salt on board, the vessel shall not be allowed a new port clearance. *Beng.* 1795 *R.* 52. § 17.

5. Nor until payment of the fine imposed on the owners or master, for a false report of the quantity of salt on board. *Beng.* 1795 *R.* 52. § 18.

6. The fines imposed on the pilot of such a ship, for not forwarding the report delivered to him by the master, shall be stopped by the marine pay-master from his pay. *Beng.* 1795 *R.* 52. § 16.

7. Penalties for illicit cultivation of the poppy, are to be recovered and appropriated in the same mode with penalties for the illegal sale of opium. *Beng. Reg.* 1795 *R.* 53 § 3. *C.* 2.

A. D. 1799 8. Fines, imposed on opium tenants for embezzling opium, are to be levied by the process for enforcing decrees. *Beng. Reg.* 1799 *R.* 6. § 9.

9.

9. And fines on any other person, for illicit dealings in opium. *Beng. Ben.* 1799 *R.* 6. § 17. *Ced. Prov.* 1803 *R.* 41. § 19. A. D. 1799

10. One fourth of the fine of four Rupees per Seer shall be paid to the informer, and one fourth to the officer of Government, with discretion vested in the Board of Trade to make a distribution of it to two or more officers. *Beng. Ben.* 1799 *R.* 6. § 21. *Ced. Prov.* 1803 *R.* 41. § 14.

11. Or one half to the officer of Government, if acting alone in the seizure. *Beng. Ben.* 1799 *R.* 6. § 22. *Ced. Prov.* 1803 *R.* 41. § 15.

12. And one half of the fine of ten Rupees per Seer to the informer, whether an officer of Government or not. *Beng. Ben.* 1799 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 41. § 16.

12. The fines for selling adulterated salt, upon confiscation of the salt, shall be adjudged in the Civil Court, on a summary inquiry into the circumstances of the case; and shall, on being adjudged by the Court, be levied by the process for executing decrees. *Beng. Ben.* 1800 *R.* 4. § 3. A. D. 1800

14. And shall be suspended if the party give security to bring, in one month, a suit to dispute the confiscation; but shall be levied from the surety without appeal, if the suit be not brought within a month. *Beng. Ben.* 1800 *R.* 4. § 4.

15 But the decision in such a suit, and an increased fine for a groundless suit, shall be appealable. *Beng. Ben.* 1800 *R.* 4. § 6.

16. Half of the fine levied shall be paid to the seizer, if there be no informer. *Beng. Ben.* 1800 *R.* 4. § 8.

17. Or in equal proportions to the seizer and informer. *Beng. Ben.* 1800 *R.* 4. § 9.

18. Who are liable to suit for damages, if the seizure be considered to have been improperly made. *Beng. Ben.* 1800 *R.* 4. § 5.

19. Fines for illicit salt works are to be adjudged by the Dewannee Adaulut, and recovered from landholders by sale of the village in which the works were established; and, should that not suffice, by the sale of all other landed property, and of the personal property, and ultimately by attachment of the person. *Beng. Beng.* 1801 *R.* 6. § 7. *C* 1. A. D. 1801

A. D. 1801 20. They shall be recovered from proprietors of rent-free land by the same mode. *Beng. Ben* 1801 *R.* 6. § 7. *C.* 3.

21. And from farmers by the usual mode of executing decrees. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 2.

22. Also from managers of estates by the same mode. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 4.

23. But they shall not be levied, without the orders of the Governor General in Council; to whom the Judge shall transmit a copy of the decree, and who may remit the fine in whole or in part, or may order the whole or a part to be received in money, instead of being levied by the sale of the offender's land. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 6.

24. One half of the fines levied shall be paid to the informer, with discretion vested in the Board of Trade to make a distribution of it to two or more concerned; and the other half to the salt Agent or other officer by whom the information was conveyed to the Board of Trade. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 5.

25. Unless the fine for illicit importation of salt by sea be paid within four months, the ship importing it shall be confiscated and sold. *Beng.* 1801 *R.* 6. § 5. *C.* 2.

26. All fines on account of salt are to be sued for, by order of the Board of Trade, and decided in preference to suits of individuals. 1801. *R.* 6. § 32.

27. Half of the fines levied from salt officers, for clandestinely obtaining salt, shall be paid to the informer. *Beng. Ben.* 1801 *R.* 6. § 30.

28. Fines levied from Chokee officers, for connivance at smuggling, shall be disposed of as the Board of Trade may direct. *Beng. Ben.* 1801 *R.* 6. § 31. *C.* 2.

A. D. 1803 29. Fines for illicit dealings in opium are to be adjudged on a summary inquiry in the Civil Courts subject to an appeal to the Provincial Court of Appeal. *Ced. Prov.* 1803 *R.* 41. § 21.

30. And shall be levied by the process for executing decrees; but, if sufficient property of the offender be not found, he may be imprisoned not more than six months. *Ced. Prov.* 1803 *R.* 41. § 19.

31. Fines for the illicit cultivation of the poppy are to be similarly adjudged and levied. *Ced. Prov.* 1803 *R.* 41. § 8.

32. Suits or informations for fines on account of the illicit manufacture of salt or opium, shall not be received after one year from the commission of the act, unless prosecuted

cuted by Government, with good cause assigned for the delay. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 6. A. D. 1805

5. In Judicial Matters.

1. Pecuniary sentences of the Circuit Courts are to be recovered by the Civil Courts, as decrees are executed. *Beng.* 1793 *R.* 9. § 22. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. A. D. 1793 Rescinded 1797 R. 14 § 6

2. When the heir of the deceased in cases of homicide requires Deyut, the trial shall be referred to the Nizamut Adaulut. 1793 *R.* 9. § 52. ext. *Ben.* 1795 *R.* 16. § 22. Re-enacted 1797 R. 14 § 3

3. Fines, imposed by native Commissioners of lawsuits, on parties, their pleaders, or witnesses, are to be recovered in the same mode with the decrees of the Commissioners. *Beng.* 1793 *R.* 40. § 9. *C.* 13. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 13.

4. A decree, imposing a fine on a native ministerial officer of a Court for corruption, shall be enforced under the same rules with other decrees; and a copy of it shall be transmitted to the Governor General in Council by the Court which passed the final decision. *Beng.* 1793 *R.* 13. § 9. *C.* 8. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 8.

5. Zilla Courts shall similarly enforce similar decrees against law officers, if not appealed. *Beng.* 1793 *R.* 12. § 8. *C.* 4. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 4.

6. And Provincial Courts of Appeal. *Beng.* 1793 *R.* 12. § 8. *C.* 5. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 5.

7. But the decree shall not be carried into execution, if appealed with the required securities. *Beng.* 1793 *R.* 12. § 8. *C.* 3. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 3.

8. And the Sudder Dewannee Adaulut shall send to Government, in one week, such decrees passed by them. *Beng.* 1793 *R.* 11. § 8. *C.* 6. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 6.

9. When a fine is imposed on a ministerial officer of a Court, being a Company's covenanted servant, the Court which passed the final decree shall send a copy of it in one week to the Governor General in Council, who will order the amount to be deducted from the officer's allowances. *Beng.* 1793 *R.* 13. § 9. *C.* 9. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 9.

A. D. 1793 10. Persons fined, for contempt of Court in open Court, are to be kept in custody till the fine be paid. *Beng.* 1793 *R.* 4. § 21. ext. *Ben.* 1795 *R.* 8. § 2 *Ced. Prov.* 1803 *R.* 3. § 22.

11. And witnesses, fined for not attending or refusing to give evidence or to sign their deposition, till compliance. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

12. Fines, imposed by Civil Courts on the native pleaders for disrespect or nonattendance, are to be deducted from the fees due to the offender or recovered by the usual process of execution. *Beng.* 1793 *R.* 7. § 16. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 6. § 15.

A. D. 1795 13. Brahmens convicted of establishing Koorhs, and their accomplices, are to be confined till payment of the fine imposed, or till security be given for the payment in six months from their release. *Ben.* 1795 *R.* 21. § 3.

A. D. 1797 14. The Nizamut Adaulut may extend relief to prisoners under sentence of indefinite confinement till payment of fines to Government, whether by the Naib Nazim, or the Benares native Courts, or the Courts of Circuit. *Beng. Ben.* 1797 *R.* 14. § 2.

15. No fines shall be imposed by a Criminal Court except to the use of Government; and the Court passing the sentence shall fix a definite period of imprisonment as an equivalent, at the expiration of which the prisoner shall be discharged although the fine be not paid; the imprisonment, awarded by Courts of Circuit, shall be in all cases temporary. *Beng. Ben.* 1797 *R.* 14. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 1.

16. Including fines imposed on persons convicted of sitting Dhurna. *Beng. Ben.* 1797 *R.* 14. § 3. *C.* 2.

17. And the imprisonment fixed by Magistrates shall not exceed the periods specified in Sections 8 and 9, Regulation 9 of 1793. *Beng. Ben.* 1793 *R.* 14. § 5. *Ced. Prov.* 1803 *R.* 6. § 31.

18. Section 22, Regulation 9 of 1793, for recovering pecuniary sentences of the Circuit Courts is rescinded. *Beng. Ben.* 1797 *R.* 14. § 6.

19. The Court of Circuit shall commute to imprisonment sentences of the law officers for Deyut in cases of homicide; and if the imprisonment be for life, the trial shall be sent to the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 2.

20.

20. And sentences of Deyut, or pecuniary fines of any kind, in all other cases. *Beng. Ben.* 1797 *R.* 14. § 4. *Ced. Prov.* 1803 *R.* 7. § 35. *C.* 2. A. D. 1797.

21. The proceedings of a Magistrate on a charge against a landholder or farmer in Benares for neglect of Police duties, shall be sent without delay to the Nizamut Adaulut with a translation. *Ben.* 1797 *R.* 2. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 4.

22. And the sentences of the Nizamut Adaulut on such proceedings, if for a fine, shall be final and shall be executed by the Magistrate as other fines are levied. *Ben.* 1797 *R.* 2. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 5.

23 Fines imposed by a Magistrate on recusing witnesses shall be reported at the next jail delivery to the Court of Circuit, who shall refer the case to the Nizamut Adaulut if of opinion that any such fine has been imposed on insufficient grounds. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 4. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 4. A. D. 1803.

24. Such witnesses shall be confined in the jail of the Civil Court until payment of the fine, or for such period as may be fixed in lieu of the fine. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 2.

25. If a fine, imposed by the Sudder Dewannee Adaulut on an appellant from the Courts of Chinsura and Chandernagore, be not recovered from his property or security, it may be commuted for imprisonment not exceeding six months. *Beng.* 1805 *R.* 1. § 11. A. D. 1805

26. Fines imposed by the Magistrate of Chandernagore and Chinsura shall be commuted for a definite imprisonment, if not paid nor recovered from the offender's property. *Beng.* 1805 *R.* 16. § 4.

27. The proceedings of the Magistrate of the Jungul Mehals, imposing a fine on a Zemindar for neglect of Police duties, shall be transmitted for the final sentence of the Nizamut Adaulut. *Beng.* 1805 *R.* 18. § 7. *C.* 16.

6. For Resistance to Legal Process.

1. When fines are imposed by the Governor General in Council, in commutation of forfeiture of estates, on landholders resisting process of Zilla Courts, the Court, which transmitted the decree, shall, on receiving notice of the fine, levy it by the process for executing decrees. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23. A. D. 1793

2. Or on landholders resisting process of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23. *C.* 1.

3.

A. D. 1793 3. Or of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 6. § 24.

4. Or of a Collector. *Beng.* 1793 *R.* 14. § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 27. § 23.

5. Or in commutation of forfeiture of lease, on Sudder farmers, for resistance to process of Zilla Courts. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 1.

6. Or of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

7. Or of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

8. Or of a Collector. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

9. Fines imposed by Civil Courts on persons not landholders or farmers resisting processes of a Zilla Court, if the decree be not appealed or not appealable, or be confirmed in appeal, or be passed by the Sudder Dewannee Adaulut, shall be levied by the process for executing decrees. *Beng.* 1793 *R.* 4. § 25. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 26.

10. Or resisting process of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 26. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 26.

11. Or of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 27. ext. *Ben.* 1793 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 27.

12. Fines, imposed by a Court on the surety of a landholder or farmer for resisting the Collector's process, are not to be enforced in any case without an order from the Governor General in Council; the Court which passed the final decree, on receiving directions for that purpose, shall levy the fine by the above process. *Beng.* 1793 *R.* 14. § 21. *Ben.* 1795 *R.* 6. § 28. *Ced. Prov.* 1803 *R.* 27. § 28.

A. D. 1796 13. Copy and translation of the Magistrate's proceedings in judgments for resistance to his processes, shall be transmitted to the Nizamut Adaulut; and the judgment shall not be final till the orders of that Court be received. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 6.

14. When the Nizamut Adaulut commute for a fine sentences passed by a Magistrate for forfeiture of land or lease in case of resistance to process of the Magistrate or of Po-

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lice officers, they may order the attachment to be withdrawn on payment thereof; and if the Magistrate's sentence of forfeiture be set aside by the Nizamut Adaulut or Government, the Magistrate, on information thereof and on receipt of the fine if ordered, shall direct by precept to the Collector the attachment to be withdrawn and a fair account to be rendered. *Beng. Ben.* 1796 *R.* 11. § 3. *Ced. Prov.* 1804 *R.* 3. § 3. A. D. 1796.

15. If the property of a person (not being a landholder or Sudder farmer) convicted of resistance to process of the Magistrate or of Police officers be not sufficient for the discharge of the fine imposed on him, the Magistrate, with the consent of the Nizamut Adaulut, may commute it to imprisonment or corporal punishment. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 4. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 4.

FOREIGN NATIONS.

I. *MISCELLANEOUS RULES.*

1. The Revenue Board is to transmit to Government the original acknowledgments delivered to them, for places which they may be directed to restore to foreign nations. 1793 *R.* 2. § 47. A. D. 1793

2. All persons, not British subjects, are amenable to the Zilla and City Courts. *Beng.* 1793 *R.* 3. § 7. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 4.

3. Europeans, not British subjects, residing out of Calcutta, are amenable to the Dewannee Adaulut. *Beng.* 1793 *R.* 28. § 8. ext. *Ben.* 1795 *R.* 24. § 2. *Ced. Prov.* 1803 *R.* 18. § 8.

4. And to the Magistrates and Courts of Circuit. *Beng.* 1793 *R.* 9. § 19. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 19. *C.* 1. Re-enacted 1796 R. 8 § 2. C. 1

5. Commercial Agents are not to send to any foreign settlement, goods provided for their private trade, of the produce of the Arung where they are stationed. *Beng.* 1793 *R.* 31. § 15. *C.* 9. *Ced. Prov.* 1803 *R.* 37. § 15. *C.* 9. ext. *Ben.* 1805 *R.* 4. § 2.

6. Goods, the property of foreign merchants, brought to Calcutta for freight on board of British ships, shall be landed, weighed and shipped off at the Custom-house. *Beng.* 1793 *R.* 42. § 50.

7. The owners or commanders of ships importing under foreign colours, are to deliver a manifest of the import cargo on oath; and the port duties shall be taken with sixty per cent advance on the prime cost. *Beng.* 1793 *R.* 42. § 27. *C.* 4. Re-enacted 1795 R. 29. §

8. Except American ships, for imports the produce of America; account sales of which, properly attested, must be delivered. *Beng.* 1793 *R.* 42. § 27. *C.* 9.

A. D. 1793 Received 1795 R. 39 § 5

9. And Macao ships, for which account sales shall be delivered on oath; or the port duties shall be levied with forty per cent advance on the prime cost. *Beng.* 1793 *R.* 42. § 27. *C.* 10.

A. D. 1795

10. Sea goods, imported into Calcutta, from any foreign settlement in Bengal, shall pay as if imported direct from sea. *Beng.* 1795 *R.* 30. § 5. *C.* 5.

11. British ships, importing at the foreign settlements, shall pay port duties as if they had imported at Calcutta. *Beng.* 1795 *R.* 39. § 5. *C.* 6.

12. British ships, exporting from the foreign settlements, shall pay the port duties as if they exported from Calcutta. *Beng.* 1795 *R.* 9. § 17. *C.* 6.

13. The owners, or commanders of ships, importing under foreign colours, are to deliver a manifest of the import cargo on oath; and the port duties shall be taken with sixty per cent advance on the prime cost. *Beng.* 1795 *R.* 39. § 5. *C.* 4.

14. Except American ships, for imports the produce of America, account sales of which, properly attested, must be delivered. *Beng.* 1795 *R.* 39. § 5. *C.* 10.

15. And Macao ships, for which account sales shall be delivered on oath, or the port duties shall be levied with forty per cent advance on the prime cost. *Beng.* 1795 *R.* 39. § 5. *C.* 12.

16. Europeans, not British subjects, are amenable to the Magistrates and Courts of Circuit. *Beng.* 1796 *R.* 2. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 19. *C.* 1.

A. D. 1800

17. Inland goods, going from Calcutta to the foreign settlements, shall pay the port duties as if exported by sea. *Beng.* 1800 *R.* 11. § 10.

18. The commander of every foreign ship, importing at Calcutta, shall deliver on his arrival, to the Master Attendant, a list of his crew and passengers; till which he shall not be permitted to import. *Beng.* 1800 *R.* 11. § 11.

19. American ships from the west of the Cape of Good Hope, shall pay the port duties as British ships from Europe; and American ships, from places in India, shall pay as British ships from the same places. *Beng.* 1800 *R.* 11. § 23.

A. D. 1801

20. Goods, imported in ships under foreign colours, are to pay the town duties with sixty per cent advance on the prime cost. 1801 *R.* 5. § 4. *C.* 3.

21. American ships are to pay the town duties for imports the produce of America, on account sales properly attested. *Beng.* 1801 *R.* 5. § 4. *C.* 6.

22. American ships, from the west of the Cape of Good Hope, shall pay the town duties as British ships from Europe, and American ships from places in India shall pay as British ships from the same places. *Beng.* 1801 *R.* 5. § 4. *C.* 7.

23.

23. Macao ships are to pay the town duties on sworn account sales, or with forty per cent advance on the prime cost. *Beng.* 1801 *R.* 5. § 4. *C.* 9. A. D. 1802

24. Sea goods, brought to Calcutta from the foreign settlements, shall pay the town duties as if imported by sea. *Beng.* 1801 *R.* 5. § 4. *C.* 13.

25. British ships, importing at the foreign settlements, shall pay the town duties as if importing at Calcutta. *Beng.* 1801 *R.* 5. § 4. *C.* 14. A. D. 1802

26. Piece goods, which shall not have paid town duties on importation into Calcutta, shall pay two and half per cent if exported to a foreign settlement. *Beng.* 1802 *R.* 5. § 8. *C.* 1.

27. And such, as have paid, shall receive no drawback on exportation to a foreign settlement. *Beng.* 1802 *R.* 5. § 8. *C.* 2.

28. Inland goods, imported into the foreign settlements, shall pay the Government duties at Hooglee, if not already paid. *Beng.* 1802 *R.* 5. § 9. *C.* 1.

29. Piece goods, exported from the foreign settlements by sea, shall pay two and half per cent export duty at Hooglee. *Beng.* 1802 *R.* 5. § 9. *C.* 2.

30. The Hooglee Custom Master may examine and value inland goods imported into the foreign settlements under a Rowanna. *Beng.* 1802 *R.* 5. § 9. *C.* 3.

31. Sea goods, imported into the foreign settlements without paying duties, shall pay them at Hooglee on exportation into the interior. *Beng.* 1802 *R.* 5. § 9. *C.* 4.

II. *CIVIL COURTS OF FOREIGN SETTLEMENTS.*

1. Two Civil Courts have been constituted at Chandernagore: 1st; the Cuchery or native Court for causes between natives, or in which a native is defendant, under the Deputy Superintendent, and occasionally the Affiliant Zemindar, with appeal to the European Court: 2d; the European Court for appeals from the native Court taking further evidence if necessary, and for all suits between Europeans or in which an European is defendant, under the Superintendent, and assisted by the Commissaire du Roi, with appeal to the Governor General in Council. Three Civil Courts have been constituted at Chinsura: 1st; the Cuchery or Zemindar's Court for suits between natives or in which a native is defendant, under the Deputy Commissioner: 2d; the Court of Appeal under the Commissioner for appeals from the judgments of his Deputy, taking no new evidence but referring back the cause if requisite: 3d; the European Court for suits between Europeans or in which an European is defendant, under the Commissioner, assisted by the Fiscal, with appeal to the Governor General in Council. *Beng.* 1805 *R.* 1 § 1. A. D. 1805 Modified § 2 C. 1 Modified § 2 C. 1.

2.

A. D. 1806

2. Appeals shall lie to the Sudder Dewannee Adaulut from all civil suits tried in the first instance in the European Courts at Chandernagore and Chinsura, if presented in three months from the decision, or afterwards on showing satisfactory reason for the delay. *Ibid* § 2 *C.* 1.

3. Appeals shall also lie to the Sudder Dewannee Adaulut in three months, (or afterwards, on showing satisfactory reason for the delay,) from the decisions of the Superintendent or Commissioner in Appeal from decisions of the Cutcheries or native Courts of Chandernagore and Chinsura, provided the amount adjudged shall exceed 5000 Rupees. *Ibid* § 2. *C.* 2.

4. But the Sudder Dewannee Adaulut may admit a special appeal, although the amount be less than 5000 Rupees, if the decision shall appear evidently erroneous, or the nature of the cause shall appear of sufficient importance. *Ibid* § 2. *C.* 3.

5. The Court may try all appeals already preferred to the Governor General in Council from the decisions of the European Appeal Courts of Chandernagore and Chinsura, if referred to the Sudder Dewannee Adaulut by his order; but no decision, passed more than three months before the date of this Regulation, and not appealed to the Governor General in Council, shall be appealed to the Sudder Dewannee Adaulut unless specially admitted on satisfactory reason shown for the neglect; and the Court is to exercise this discretionary power with caution. *Ibid* § 3.

6. The petition of appeal is to be presented to the Superintendent of Chandernagore or Commissioner of Chinsura, and shall contain such information as may show it to be appealable, and a full statement of the objections to the decision, and shall be accompanied with good security for any costs or fine to be adjudged by the Sudder Dewannee Adaulut, unless the appellant make oath and adduce two witnesses to his inability, and furnish two sureties for his appearance. *Ibid* § 4. *C.* 1.

7. Within fifteen days from the receipt of the petition and security, or as soon after as practicable, it shall be certified with a copy of the appealed decree to the Sudder Dewannee Adaulut; who, if they admit the appeal, shall by precept require within a limited time the Judge to call on the respondent for his answer, and to certify it with a complete record of the cause to the Court. *Ibid* § 4. *C.* 2.

8. If the Judge should be unable to obey the precept within the time limited, he shall certify the same to the Sudder Dewannee Adaulut with notice of a period for a further return. *Ibid* § 4. *C.* 3.

9. The parties in such appeals shall not be required to attend in person nor by Vakeel at the Sudder Dewannee Adaulut; and where parties do not of their own accord appear,

pear, nor appoint an eſtabliſhed pleader of the Court, if reference to the parties or further pleadings ſhall be neceſſary, the reference ſhall be made through the Judge of the Court by which the decree was paſſed, or in ſuch other manner as the Sudder Dewannee Adaulut may adopt. *Ibid* § 5. *C.* 1. A. D. 1805

10. The Sudder Dewannee Adaulut may receive from parties or their authorized pleaders, or on reference by order of the Governor General in Council, petitions relative to judicial matters pending before, or decided by, the Judges of Chandernagore and Chinſura, and may iſſue thereon ſuch orders as may appear proper and be conſiſtent with the Regulation. *Ibid* § 5. *C.* 2.

11. If a cauſe ſhould appear not to have been ſufficiently inveſtigated, the Sudder Dewannee Adaulut may refer it back to the Court which originally tried it, or which heard it in appeal; or may direct the Judge to take and tranſmit further evidence. *Ibid* § 6.

12. All proceſſes of the Sudder Dewannee Adaulut, relative to ſuch appeals or petitions, ſhall be addreſſed to the Judge; who is required to conform to all proceſſes ſo addreſſed under the ſeal of the Court and ſignature of the Regiſter, and to perform the exigency within the period limited, or certify ſufficient reaſon for the omiſſion.

13. The laws and uſages, which govern the deciſions of the Courts at Chandernagore and Chinſura, ſhall govern the deciſion of the Sudder Dewannee Adaulut in ſuch appeals. The particular law or uſage, which influenced a deciſion, if not ſtated in the decree, ſhall be certified with the record; and the Sudder Dewannee Adaulut may take evidence of any local uſage which has reference to the caſe. *Ibid* § 8.

14. The general Regulations for the adminiſtration of civil juſtice ſhall not be held applicable to ſuch appeals, unleſs fully conſiſtent with this Regulation, and in all reſpects applicable; but ſhall be held applicable to the Civil Courts of Chandernagore and Chinſura, as far as reſpects the authority of the Sudder Dewannee Adaulut over the Courts in caſes not affecting the rights of the parties. *Ibid* § 9.

15. The Sudder Dewannee Adaulut may frame rules of practice for carrying into effect the proviſions of the Regulation, and may preſcribe an obſervance thereof to the Courts at Chandernagore and Chinſura. *Ibid* § 10.

16. No inſtitution fee ſhall be levied on ſuch appeals, nor need ſtampt paper be uſed for the pleadings or deciſions: but vexatious or litigious appeals may be puniſhed by a fine proportionable to the caſe and the condition of the party; and any contempt

A. D. 1805 of Court or other personal misconduct, or contempt of the Courts at Chandernagore and Chinsura in the pleadings or petitions to the Sudder Dewannee Adaulut: if the fine be not recovered from the party or his property or security, it shall be commutable by order of the Court for close imprisonment not exceeding six months. *Ibid* § 11.

17. Appealed decrees shall not be executed during the appeal, if the appellant give good security for the performance of the final decision in appeal; unless, on report of the Judge of Chandernagore or Chinsura, or from other information, the Sudder Dewannee Adaulut shall deem it necessary to order execution: if the decree shall not have been executed, the Court, on confirming the decision, shall allow interest at one per cent per mensem from the date of the original judgment together with the costs incurred. *Ibid* § 12. *C.* 1.

18. If the appellant shall fail to give security for staying execution, or if the Sudder Dewannee Adaulut order execution, good security shall be taken from the respondent for the performance of the final decision in appeal; and without such security, the decree shall not be executed. *Ibid* § 12. *C.* 2.

19. If neither party be able to give the required security, the property in dispute if capable of attachment, or any property liable to attachment and sale for the recovery of the money decreed, shall be attached by order of the Court which passed the decision until security be given or a final decision passed; and any perishable property so attached may, with the sanction of the Sudder Dewannee Adaulut, be converted into money by public sale. *Ibid* § 12. *C.* 3.

20. The decisions of the Sudder Dewannee Adaulut on such appeals shall be final unless they amount to £. 5000 or 50,000 current Rupees exclusive of costs, when an appeal will lie to the King in Council under the provisions of Regulation 16 of 1797. *Ibid* § 13.

21. The Superintendent at Chandernagore and Commissioner at Chinsura, on receipt of this Regulation, shall cause it to be translated into the Dutch and French languages, and published for general information in the Courts of Justice at those settlements, and in such places and manner as may be customary. *Ibid.* § 14.

III. *CRIMINAL COURTS OF FOREIGN SETTLEMENTS.*

A. D. 1805 1. The jurisdiction of the Calcutta Court of Circuit and Nizamut Adaulut is to extend over the settlements of Chandernagore and Chinsura. *Beng.* 1805 *R.* 16. § 2.

2. Which Courts shall be guided in their proceedings and decisions by the Regulations enacted for Bengal, Behar and Orissa. *Ibid* § 3. *C.* 1.

3.

3. But no Regulation prescribing an enhanced punishment beyond the Muhamedan law, shall be applied to offences committed previous to the promulgation of this Regulation. *Ibid* § 3. *C* 2.

4. In all such cases, the Courts are to be guided by the Muhamedan law, and any modification of it in favour of the prisoner except in cases of murder, where the Futwa and sentence shall be given without reference to the heir on a supposition that he demands Kissas *Ibid* § 3 *C*. 3.

5 And in the case of an European, or descendant of an European, being a settled inhabitant, if the punishment prescribed by the Muhamedan law be more than the punishment prescribed by the law in force when the settlement came into the possession of the British Government, the punishment shall be regulated by the law then in force. *Ibid* § 3 *C* 4

6. The Magistrate and deputy Magistrate of Chandernagore and Chinsura are empowered to decide on charges for abusive language, calumny, inconsiderable assaults and affrays, petty theft and larceny unattended with aggravating circumstances, and to punish on conviction by corporal punishment not exceeding 30 rattans or imprisonment not exceeding one year, or fine not exceeding 200 Rupees, commutable in every instance to imprisonment for a definite period *Ibid* § 4.

7 Persons charged with murder, robbery, arson, counterfeiting the coin, or any offence the prescribed punishment for which may exceed the above penalties, shall be committed for trial before the Court of Circuit if there appear sufficient grounds. *Ibid* § 5

8 Sections 5 and 7, Regulation 9 of 1793, and Regulation 9 of 1796, are extended to Chandernagore and Chinsura but the Nizamut Adaulut may authorize modifications deemed necessary from local circumstances, and may furnish the Magistrate with any instructions relative to Criminal Justice or Police not repugnant to the general Regulations in force *Ibid* § 6.

9 The Calcutta Court of Circuit is to hold half yearly jail deliveries for Chandernagore and Chinsura immediately after the jail delivery for Zillah Hooglee, at such places as the Nizamut Adaulut may direct. *Ibid* § 7.

10. The Magistrate, on receiving notice of the time when the Court of Circuit expects to be at the place appointed for holding the jail delivery, shall require by public notice all persons on bail, and all prosecutors and witnesses, to attend at the time appointed, under pain of forfeiting their recognizances, and shall ascertain from the persons committed for trial what other witnesses they are desirous to have examined, and shall cause all such witnesses to attend at the time fixed for the trial. *Ibid.* § 8.

A. D. 1805 11. The Magistrate shall deliver to the Court of Circuit on its arrival, a calendar in Persian and English of persons committed or held to bail, in the form prescribed by Section 13, Regulation 9 of 1793, with all the original proceedings and documents specified in Section 14. *Ibid* § 9.

12. And two calendars of all persons apprehended and discharged or punished by the Magistrate, with all the original proceedings in each case, and, if the Court of Circuit should deem any person to have been released or punished on insufficient grounds, they shall submit the case with their opinion to the Nizamut Adaulut who may pass thereon any order deemed proper the Court of Circuit is expected to examine with attention the proceedings in any case respecting which a petition may be preferred, and either report the case to the Nizamut Adaulut, or inform the party by a written order on the petition. *Ibid* § 10.

13 Sections 15 to 17, Regulation 9 of 1793, are extended to Chandernagore and Chinsura. *Ibid* § 10.

14 And Sections 20, 21, 23 to 30, Regulation 9 of 1793, subject to necessary modifications by the Nizamut Adaulut but the monthly and half yearly reports are to be furnished in such form as the Nizamut Adaulut may prescribe *Ibid* § 11

15. These rules are applicable to all persons, not European British subjects, charged with crimes committed within the settlements of Chandernagore and Chinsura, but Europeans, British subjects, residing in these settlements shall be brought before the Magistrate with any criminal offences, shall be proceeded with as is prescribed in Regulation 2 of 1796 *Ibid* § 12.

16 If any person, not an European British subject, residing within the settlements of Chandernagore and Chinsura, shall be charged with an offence committed without these settlements, the Magistrate shall apprehend him, and deliver him to the Magistrate in whose jurisdiction the offence may have been committed *Ibid* § 13.

FORFEITURES.

I. *IN WHAT CASES INCURRED.*

1. Forfeitures of Land.

A. D. 1793 1. Purchases of land, made at public sale before a Collector, by native officers or private servants and dependants of the Collector and his Assistants, shall be forfeited to Government, on proof to the satisfaction of the Governor General in Council. *Beng.* 1793 *R.* 2. § 15. *Ben.* 1795 *R.* 5 § 5 *Ced. Prov* 1803 *R.* 25 § 14.

[illegible] § 2. *Ced. Prov.* 1803 R. 3. § 23.

3. Or convicted of resistance to process of Provincial Courts of Appeal. *Beng.* 1793 R. 5. § 23. ext. *Ben.* 1795 R. 9. § 6. *Ced. Prov.* 1803 R. 4. § 23. C. 2.

4. Or of the Sudder Dewannee Adaulut. *Beng.* 1793 R. 6. § 24. ext. *Ben.* 1795 R. 10. § 2. *Ced. Prov.* 1803 R. 5 § 24.

5. Sudder farmers, convicted of resistance to process of Zillah Courts, shall forfeit the lease of the farm in which the resistance was made. *Beng.* 1793 R. 4 § 24. ext. *Ben.* 1795 R. 8. § 2. *Ced. Prov.* 1803 R. 3. § 25. C. 3.

6. Or convicted of resistance to process of Provincial Courts of Appeal. *Beng.* 1793 R 5 § 25. ext *Ben.* 1795 R. 9. § 6. *Ced. Prov.* 1803 R. 4. § 25.

7. Or of the Sudder Dewannee Adaulut. *Beng.* 1793 R. 6. § 26. ext. *Ben.* 1795 R. 10. § 2. *Ced Prov.* 1803 R. 5. § 26.

8. Landholders, convicted of resistance to process of a Collector, shall forfeit the estate from which the arrear was due. *Beng.* 1793 R. 14. § 16. *Ben.* 1795 R. 6. § 22. *Ced. Prov.* 1803 R. 27. § 23.

9. And Sudder farmers, the lease of the farm from which the arrear was due. *Beng.* 1793 R 14. § 19. *Ben* 1795 R. 6. § 26. *Ced. Prov.* 1803 R. 27. § 26.

10. Landholders or farmers, resisting the Ameen deputed to attach lands ordered for sale in execution, are liable to the same forfeitures. *Beng.* 1793 R. 45. § 9. *Ben.* 1795 R. 20. § 9. *Ced. Prov.* 1803 R. 26. § 23.

11. Rent-free grantees, omitting to register their deeds within a year, and not subsequently admitted on the register by the Governor General in Council, shall forfeit their grant. *Beng.* 1793 R. 19. § 27. R. 37. § 22. *Ben.* 1795 R. 41. § 27. R. 42. § 22. *Ced Prov.* 1803 R. 31. § 22. R. 36. § 22.

12. The land and effects of landholders and farmers convicted before a Court of Circuit of conniving at a robbery, receiving any part of the property, harbouring robbers, aiding or not preventing their escape, and not affording sufficient for their apprehension, may be sold by order of the Circuit Court in Council, to make good the value of the stolen property to the owner. *Beng.* 1793 R. [illegible] § 3.

A. D. 1793 13. Landholders, permitting a boat of prohibited dimensions to be built or repaired, unless a license from the Magistrate be produced, shall forfeit the village in which the boat was built or repaired. *Beng.* 1793 *R.* 22. § 20. *C.* 8.

14. If in an attempt to take possession of disputed land or crops by force, any person be killed, wounded or violently beaten, the right of the offending party in the disputed property shall be adjudged forfeited to the other party. *Beng.* 1793 *R.* 49. § 4. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 4.

15. And, if both parties arm themselves, or entertain armed people, one to take forcible possession and the other to resist such forcible attempt, and any person be in consequence killed, wounded or violently beaten, the property in dispute shall be adjudged forfeited to Government. *Beng.* 1793 *R.* 49. § 6. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 6.

A. D. 1795 16. The Pottahdars in Benares shall incur forfeiture of property for disobeying any process or order issued on the part of Government. *Ben.* 1795 *R.* 2. § 14. *C.* 10.

17. Also the Benares Amils. *Ben.* 1795 *R.* 2. § 15. *C.* 1.

18. Landholders and farmers, within the jurisdiction of the city of Benares, are liable to the same forfeitures of Regulation 4 of 1793, for resisting processes of the Benares City Court. *Ben.* 1795 *R.* 8. § 8.

19. Or processes of the Provincial Court of Appeal. *Ben.* 1795 *R.* 9. § 7.

20. Or of the Sudder Dewannee Adaulut. *Ben.* 1795 *R.* 10. § 5.

21. Brahmens in Benares, convicted of killing any woman or child in resentment of an injury from a third person, shall forfeit their landed estate. *Ben.* 1795 *R.* 21. § 9.

A. D. 1796 22. Proprietors of land, convicted of resisting the process of Magistrates or Police officers, shall forfeit their land. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 2. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 2.

23. And Sudder farmers, their lease. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 3. *Ced Prov.* 1804 *R.* 3. § 2. *C.* 2.

24. Lands of proprietors, farmers, or dependant Talookdars, attached in consequence of their absconding from the process of Magistrates or Police officers, shall, if the party do not appear in six months, be disposed of as the Governor General in Council may direct. *Beng. Ben.* 1796 *R.* 11. § 6. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 5.

25. Landholders and farmers in Dacca are liable to forfeiture of estate on their conviction of wilful neglect in their Police duties. *Beng. Ben.* 1797 *R.* 2. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 8. [illegible]

26. Purchases, at public sale, of land left in the possession of the appellant pending the appeal, if made directly or indirectly by the appellant, shall, in case of the decree being confirmed, be forfeited to the respondent. *Beng. Ben.* 1798 *R.* 5. § 4. *Ced. Prov.* 1803 *R.* 4. § 14. *C.* 1. [illegible]

27. And the same principle is applicable when the respondent has been put in possession in consequence of the appellant failing to give security for staying execution. *Beng. Ben.* 1798 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 4. § 14. *C.* 2.

28. Purchases of land at public sale for recovery of arrears in any fictitious name, or under any substitution of name, shall be liable to forfeiture in the discretion of the Governor General in Council. *Beng.* 1799 *R.* 7. § 29. *C.* 3. ext *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 9. [illegible]

29. And purchases made directly or indirectly by the defaulter himself. *Beng.* 1799 *R.* 7. § 29. *C.* 4. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 10.

30. Landholders and farmers, resisting the process of City Courts, are liable to the same forfeitures as for resistance to Zilla Courts. *Beng.* 1799 *R.* 9. § 2.

31. Landholders, wilfully omitting in a statement furnished to the Collectors the name of any new village established in their lands, shall forfeit the village to Government. *Beng. Ben.* 1800 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 42. § 20. [illegible]

32. Persons, convicted before a Court Martial, of treason, rebellion, &c. shall forfeit all the real and personal property, which they possessed within the Company's territories, at the time the crime was committed. *Beng. Ben. Ced. Prov.* 1804 *R.* 10. § 3. [illegible]

33. The penalty of forfeiture of land or lease is extended to landholders or farmers convicted of being concerned in, or having been privy to, any theft or robbery. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 8. [illegible]

34. Zemindars in charge of Police in the Jungul Mehals will be liable to forfeiture of their lands in any heinous case of neglect in preventing depredations. *Beng.* 1805 *R.* 18. § 7. *C.* 15.

35. And their lands may be confiscated and sold by order of Government to make good the property plundered, on conviction of having [illegible] robbery, &c. *Beng.* 1805 *R.* 18. § 7. *C.* 17.

2. Forfeiture of Personal Rights and Property.

A. D. 1793

1. Loans by the Dewan of a Collector to any proprietor, or farmer of land, under farmer, dependant Talookdar, or Rayat, shall be forfeited to the borrower. *Beng.* 1793 *R.* 2. § 19. *Ben.* 1795 *R.* 5. § 19. *Ced. Prov.* 1803 *R.* 25. § 18

2. And similar loans by a Company's Civil Servant in a judicial or revenue appointment. *Beng.* 1793 *R.* 38. § 2. *Ben.* 1795 *R.* 48. § 2. *Ced. Prov.* 1803 *R.* 19. § 2.

3. And any loan, on which an illegal rate of interest shall have been received or stipulated, if any attempt be proved to elude the law by a deduction from the principal, or by any device whatever. *Beng.* 1793 *R.* 15. § 9. *Ced. Prov.* 1803 *R.* 34. § 8.

4. The interest is forfeited on any document specifying an illegal interest. *Beng.* 1793 *R.* 15. § 8. *Ced. Prov.* 1803 *R.* 34. § 7.

Re-enacted 1801 R. 6 § 16

5. Salt officers shall forfeit their share in the reward on confiscated salt, for any neglect or delay in giving notice of the seizure. *Beng.* 1793 *R.* 30. § 5. *C.* 2.

6. Cazees and appraisers, purchasing any of the distrained property, shall forfeit the purchase money to the defaulter; and it shall be carried to the credit of the arrear. *Beng.* 1793 *R.* 17. § 24.

Re-enacted 1799 R. 6 § 18

7. British subjects, convicted to the satisfaction of the Governor General in Council of illicit dealings in opium, shall forfeit the Company's protection. *Beng.* 1793 *R.* 32. § 4. *Ben.* 1795 *R.* 32. § 3. *Ced. Prov.* 1803 *R.* 41. § 11.

8. Distrainers shall forfeit to the tenant the arrear of rent for which they shall have distrained, if they distrain any real property, the goods or advances of the Company in a manufacturer's hands, the looms of weavers, or the tools of tradesmen. *Beng.* 1793 *R.* 17. § 3. *Ben.* 1795 *R.* 45. § 3. *Ced. Prov.* 1803 *R.* 28. § 3.

9. Or after sunset and before sunrise. *Beng.* 1793 *R.* 17. § 17. *Ben.* 1795 *R.* 45. § 15. *Ced. Prov.* 1803 *R.* 28. § 15.

10. Or without serving notice of distress and furnishing the agent with the prescribed authority in writing. *Beng.* 1793 *R.* 17. § 8. *Ben.* 1795 *R.* 45. § 8. *Ced. Prov.* 1803 *R.* 28. § 8.

11. For opening the outer door of a dwelling or entering female apartments. *Beng.* 1793 *R.* 17. § 21. *Ben.* 1795 *R.* 45. § 19. *Ced. Prov.* 1803 *R.* 28. § 19. *C.* 2.

Re-enacted 1801 R. 6 § 5

12. For selling distrained property by any except the prescribed mode. *Beng.* 1793 *R.* 17. § 22. *Ben.* 1795 *R.* 45. § 20. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 1.

13.

13. And for [illegible] *Ben.* 1795 *R.* 45. § 22. *Ced. Prov.* 1803 *R.* [illegible]

14. Brahmens in Bejaree, convicted of sitting Dhurna, shall forfeit all right and title to the claim, for the realizing of which the offence was committed. *Beng.* 1795 *R.* 21. § 11. *C.* 2. *Beng.* 1797 *R.* 6. § 4. *Ced. Prov.* 1804 *R.* 3. § 10. *C.* 1.

15. Distrainers shall forfeit to the tenants the arrear of rent for which they shall have distrained, if they sell the distrained property in any except the prescribed manner. *Beng.* 1795 *R.* 35. § 5. *Ben.* 1795 *R.* 45. § 20. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 1.

16. The owner of a vessel licensed to import salt by sea, shall forfeit his license for changing the vessel's name without leave of the Board of Trade. *Beng.* 1795 *R.* 52. § 5.

17. And shall forfeit his claim to payment for the salt delivered to the Company, if he do not surrender the license on performance of the voyage. *Beng.* 1795 *R.* 52. § 6.

18. Europeans, convicted to the satisfaction of the Governor General in Council, of illicit importation of salt by sea, shall forfeit the Company's protection. *Beng.* 1795 *R.* 52. § 19.

19. If an agreement be proved between a pleader and the client for acceptance of less than the established fees, the whole fee payable by the party shall be forfeited to Government. *Beng. Ben.* 1798 *R.* 5. § 15. *Ced. Prov.* 1803 *R.* 10. § 32. A. D. 1798

20. British subjects convicted, to the satisfaction of the Governor General in Council, of illicit dealings in opium, shall forfeit the Company's protection. *Beng. Ben.* 1799 *R.* 6. § 18. *Ced. Prov.* 1803 *R.* 41. § 11. A. D. 1798

21. Distrainers, wilfully deviating from the rules for opening female apartments in the presence of a Police officer, shall forfeit to the tenant the arrear for which the distress was levied. *Beng.* 1799 *R.* 7. § 10. *Ben.* 1800 *R.* 5. § 10. *Ced. Prov.* 1803 *R.* 28. § 19. *C.* 2.

22. All persons, as well as Brahmens, are liable to the forfeiture for sitting Dhurna. *Beng. Ben.* 1799 *R.* 8. § 6. *Ced. Prov.* 1804 *R.* 3. § 9. *C.* 1.

23. Venders of liquors and drugs are to forfeit their license for non-payment of the tax daily. *Beng. Ben.* 1800 *R.* 6. § 14. *Ced. Prov.* 1803 *R.* 40. § 21. A. D. 1800

24. Or at the stipulated periods of payment [illegible] *R.* 6. § 15. *Ced. Prov.* 1803 *R.* 40. § 22. [illegible]

25. And for any misconduct or breach of [illegible] § 23. *Ced. Prov.* 1803 *R.* 40. § 23. [illegible]

A. D. 1800 26. And for vending in any place or shop except the licensed place or shop. *Beng. Ben.* 1800 *R.* 6. § 13. *Ced. Prov.* 1803 *R.* 40. § 20.

A. D. 1801 27. Officers under a Salt Agent or under the Board of Trade, and officers of Salt Chokees, omitting, or making unnecessary delay in, the report of a seizure of salt, shall forfeit to Government the reward to which they would have been entitled on confiscation. *Beng. Ben.* 1801 *R.* 6. § 16.

A. D. 1802 28. The owners of licensed distilleries in the European mode shall forfeit their license for infringing any of the rules. *Beng. Ben.* 1802 *R.* 2. § 15.

II. *HOW ADJUDGED.*

A. D. 1793 1. If a decree, adjudging the forfeiture of estate against a landholder for resisting the process of a Zilla Court, shall not be appealed, or not appealable, or be confirmed in appeal, the Court, which passed the final decree, shall send it to the Governor General in Council, who will confirm it or commute the forfeiture for a fine. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2 *Ced Prov.* 1803 *R.* 3. § 23.

Rescinded 1799 R. 9 § 8 2. But, if the Governor General in Council should not within four weeks commute the forfeiture, it shall stand good. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3 § 23.

3. Or for resisting the process of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23 *C.* 1.

4. And of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 24.

5. Or of a Collector. *Beng.* 1793 *R.* 14. § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 27. § 23.

6. If a decree, adjudging forfeiture of lease against a Sudder farmer of revenue for resisting the process of a Zilla Court, shall not be appealed, or not appealable, or be confirmed in appeal, the Court, which passed the final decree, shall send it to the Governor General in Council, who will confirm it or commute the forfeiture for a fine. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 1.

Rescinded 1799 R. 9 § 8 7. But, if the Governor General in Council should not within four weeks commute the forfeiture, it shall stand good. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 1.

8. Or for resisting the process of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 25. A. D. 1798. ext. *Ben.* 1795 *R.* 9. § 4. *Cod. Prov.* 1803 *R.* 25. § 25.

9. And of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 16. § 26. ext. *Ben.* 1795 *R.* 10. § 2. *Cod. Prov.* 1803 *R.* 5. § 26.

10 Or of a Collector. *Beng.* 1793 *R* 14. § 19 *Ben.* 1795 *R.* 6. § 26. *Cod. Prov.* 1803 *R* 27. § 26.

11. The sentence of forfeiture of claim on a Brahmen in Benares, for sitting Dharna, is not to be carried into execution till referred by the Court of Circuit to the Nizamut Adaulut and confirmed by them. *Ben* 1795 *R.* 21. § 11. *C.* 1. A. D. 1798

12. Leases, annulled for resistance to the Provincial Appeal Court in Benares, are to stand annulled from the end of the Fusilee year. *Ben.* 1795 *R* 9 § 20.

13. Or for resistance to the Sudder Dewannee Adaulut *Ben* 1795 *R.* 10. § 7.

14 The Court of Circuit in Benares is to report to the Nizamut Adaulut every sentence of forfeiture of claim adjudged against Brahmens convicted of sitting Dharna, and the Nizamut Adaulut may confirm or mitigate the sentence *Ben.* 1795 *R.* 21 § 9.

15 The Court of Circuit is to state to the Nizamut Adaulut, and the latter to the Governor General in Council, their opinions whether the forfeiture of land should be enforced, in a case of conviction of Brahmens for killing their women or children in resentment to a third person. *Ben* 1795 *R* 21 § 9.

16. And it shall not take place, if the Governor General in Council exempt a part of the murderer's family from banishment. *Ben* 1795 *R.* 21. § 10.

17 The proceedings of a Magistrate in a sentence of forfeiture of land or lease, for resistance to process of the Magistrate or of Police officers, shall be sent with a translation to the Nizamut Adaulut. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 5. *Cod. Prov* 1804 *R* 3 § 2. *C.* 6. A. D. 1798

18 If the Nizamut Adaulut commute the sentence for a fine, their order is final; but, if they confirm the forfeiture, the proceedings are to be sent to the Governor General in Council, who will finally determine whether to put it in force or commute it to a fine. *Beng Ben.* 1796 *R.* 11. § 3. *Cod. Prov.* 1804 *R.* 3. § 3.

19. Sentences of Magistrates in Bengal, for [illegible] for neglect of Police duties in landholders or farmers, [illegible] the Nizamut Adaulut, *Ben.* 1797 *R.* 2. § 3. *C.* 2. *Cod.* [illegible] *R.* 25. § 3. *C.* 4. A. D. 1797

20.

A. D. 1797 20. If the Court commute such a sentence for a fine, the order is final; but if they confirm the sentence of forfeiture, the proceedings shall be sent to the Governor General in Council, who will confirm, remit or commute it. *Ben.* 1797 *R.* 2. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 5.

A. D. 1799 21. Collectors are to make due inquiry whenever they suspect defaulters to have purchased their own lands at public sale; and, if they consider it established, are to report the case, with their proceedings, to the Board of Revenue, who will submit it with their opinion to the Governor General in Council; whose decision of forfeiture of the estate illicitly purchased shall be final, unless the party prosecute his claim in the Courts of Justice under Section 46, Regulation 14 of 1793. *Beng.* 1799 *R.* 7. § 29 *C.* 4. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 10.

22. Purchases at public sale in fictitious names may be similarly forfeited in the discretion of Government. *Beng.* 1799 *R.* 7. § 29. *C.* 3. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 9.

23. Decrees of forfeiture for resistance to process of Zilla and City Courts, are not to be deemed final and carried into execution when not commuted by Government in four weeks; but shall only be final when confirmed by Government, and shall not be executed till notice of such confirmation be received. *Beng. Ben.* 1799 *R.* 9. § 3. *Ced. Prov.* 1803 *R.* 3. § 23.

A. D. 1800 24. Collectors are to report to the Board of Revenue, who shall submit them with their opinion to the Governor General in Council, all cases wherein landholders have incurred forfeiture for not including in the statements delivered to the Collector any new village established in their lands. *Beng. Ben.* 1800 *R.* 8. § 20. *Ced. Prov* 1803 *R.* 42. § 40.

A. D. 1805 25. Sentences of the Magistrate of the Jungul Mehals, for forfeiture of land for neglect of Police duties in landholders entrusted with the charge of the Police, shall be transmitted to the Nizamut Adaulut for the final determination of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 16.

III. *HOW APPROPRIATED.*

A. D. 1793 1. Rent-free lands not registered within a year shall be resumed and assessed; but the Governor General in Council, on report of the Board of Revenue in particular cases, may admit grants to be registered after the expiration of the period. *Beng.* 1793 *R.* 19. § 26. *R.* 37. § 21. *Ben.* 1795 *R.* [illegible] § 26. *R.* 42. § 21. *Ced. Prov.* 1803 *R.* 31. § 21. *R.* 36. § 21. *C.* 1.

2.

2. If not registered within the prescribed period, nor subsequently admitted by Government, the lands shall be assessed. *Beng.* 1793 *R.* 19. § 27. *R.* 37. § 22. *Ben.* 1795 *R.* 41. § 27. *R.* 42. § 22. *Ced. Prov.* 1803 *R.* 31. § 22. *R.* 36. § 22.

3. If the decree be not commuted, or if the Governor General in Council should confirm the forfeiture of land, in cases of resistance to a Zilla Court, the Court shall by precept require the Collector of the Zilla to attach the estate through an Ameen, whose allowances are to be specified in the precept; or through the nearest Tehsildar or other officer. *Beng.* 1793 *R.* 4. § 22. *Ben.* 1795 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 3. § 23. Modified 1799 R. 2 § 3

4. And in cases of resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 23. *Ben.* 1795 *R.* 9. § 8. *Ced. Prov.* 1803 *R.* 4. § 23. *C.* 3.

5. Or to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. *Ben.* 1795 *R.* 10. § 6. *Ced. Prov.* 1803 *R.* 5. § 24.

6. But no decree of forfeiture for resistance to a Collector's process shall be carried into execution without an order of the Governor General in Council confirming the decree and disposing of the proprietary right. *Beng.* 1793 *R.* 14. § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 27. § 23.

7. If the offender be permitted to retain his lands, he shall be liable for any balance due on the collections after defraying the revenue, the charges, and the fine, (if a fine be imposed). *Beng.* 1793 *R.* 14. § 17. *Ben.* 1795 *R.* 6. § 24. *Ced. Prov.* 1803 *R.* 27. § 24.

8. An estate, thus forfeited for resistance to a Zilla Court, may be conferred on the heirs of the offender on their agreeing to pay the revenue of it to Government; or, if a dependant Talook, to the Zemindar in whose estate it is situated; or it may be sold by public sale, in the discretion of Government. *Beng.* 1793 *R.* 4. § 23. *Ben.* 1795 *R.* 8. § 6. *C.* 2. *Ced. Prov.* 1803 *R.* 3. § 24. Modified 1799 R. 2 § 3

9. Or for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 24. *Ben.* 1795 *R.* 9. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 4. § 24.

10. Or to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 25. *Ben.* 1795 *R.* 10. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 5. § 25.

11. Or to a Collector. *Beng.* 1793 *R.* 14. § 18. *Ben.* 1795 *R.* 6. § 25. *Ced. Prov.* 1803 *R.* 27. § 25.

12. If the decree be not commuted, or if the Governor General in Council should confirm the decree of forfeiture of lease, in cases of resistance to a Zilla Court, the Court shall send a copy of it to the Collector. *Beng.* 1793 *R.* 4. § 24. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 2.

A. D. 1793 13. And in cases of resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

14. Or to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

15. But no decree of forfeiture for resistance to a Collector's process shall be carried into execution, without an order of the Governor General in Council confirming the decree. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26 *Ced. Prov.* 1803 *R.* 27. § 26.

16. When a lease is thus forfeited for resistance to a Zilla Court, the offender and his surety will be held liable to Government for any balance due on the farm at the close of the year, and may sue the tenants &c. for the rents due by them while the lease was in force. *Beng.* 1793 *R.* 4. § 24 ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 1.

17. Or when forfeited for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

18. Or to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

19. Or to a Collector. *Beng.* 1793 *R.* 14. § 20. *Ben.* 1795 *R.* 6. § 27. *Ced. Prov.* 1803 *R.* 27. § 27.

A. D. 1795 20. The estate thus forfeited in Benares, for resistance to a Zilla Court, may be conferred on the offender's heirs on their agreeing to pay the revenue, payable therefrom to Government; or, if a Puteedaree, to the Pottah-holder in whose Pottah it is included. *Ben.* 1795 *R.* 8. § 6. *C.* 2.

21. Or for resistance to the Collector. *Ben.* 1795 *R.* 6 § 25.

22. Or to the Provincial Court of Appeal. *Ben.* 1795 *R.* 9. § 9. *C.* 2.

23. Or the Sudder Dewannee Adaulut. *Beng.* 1795 *R.* 10. § 7. *C.* 2.

24. When decrees of forfeiture in Benares for resistance to process of a Zilla Court are to be executed, the Court shall direct by precept the Collector to attach the lands through the nearest Tehsildar. *Ben.* 1795 *R.* 8. § 5.

25. Or for resistance to the Provincial Court of Appeal. *Ben.* 1795 *R.* 9. § 8.

26. Or the Sudder Dewannee Adaulut. *Ben.* 1795 *R.* 10. § 6.

27. Forfeiture of landed property, on conviction of murder in Benares for killing any woman or child in resentment to a third person, shall not be executed without an order

order from the Governor General in Council, and the lands are to be disposed of as Government shall direct. *Ben.* 1795 *R.* 21. § 9. A. D. 1795

28. In sentences of forfeiture for resistance to process of Magistrates or Police officers, the Governor General in Council, if he confirm the forfeiture, will give instructions to the Collector through the Board of Revenue for the future disposal of the lands. *Beng. Ben.* 1796 *R.* 11. § 3. *Ced. Prov.* 1804 *R.* 3. § 3. A. D. 1796

29. The Governor General in Council, if he confirm a sentence of forfeiture for neglect of Police duties, will give directions for the future disposal of the lands. *Beng. Ben.* 1797 *R.* 2. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 5. A. D. 1797

FORGERY.

1. All persons concerned in forging any rent-free grant, erasing, substituting, or inserting, a grantee's name, erasing or altering the denomination of the tenure, changing the date, or antedating the grant, shall be committed for trial before the Court of Circuit. *Beng.* 1793 *R.* 19 § 18. *R.* 37 § 13. *Ben.* 1795 *R.* 41. § 18. *R.* 42. § 13. *Ced. Prov.* 1803 *R.* 31. § 13. *R.* 36. § 13. A. D. 1795

2. And such deed shall be declared null as far as regards exemption from revenue. *Beng.* 1793 *R.* 19. § 17. *R.* 37 § 12. *Ben.* 1795 *R.* 41. § 17. *R.* 42. § 12. *Ced. Prov.* 1803 *R.* 31. § 12. *R.* 36. § 12.

3. If Putwaree accounts be fabricated, altered or changed by the orders, or with the knowledge and connivance of the proprietor or farmer of the estate, he shall be liable to a fine by the Civil Court. *Beng.* 1793 *R.* 8. § 62. *C.* 8. *Ben.* 1795 *R.* 27. § 9. *C.* 8. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 7.

4. And the Putwaree, swearing to false accounts, is to be committed for perjury. *Beng.* 1793 *R.* 8. § 62. *C.* 7. *Ben.* 1795 *R.* 27. § 9. *C.* 7. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 6.

5. Persons, counterfeiting or falsifying any entry in the registry of deeds or any certificate of registry, shall be prosecuted on the part of Government in the Criminal Court, and the Register shall, as agent for the prosecution, adopt every legal measure for the proof of the crime. *Beng.* 1793 *R.* 36. § 12. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 12.

6. Persons, charged with forging the stamps, or using or disposing of forged stampt paper knowing it to be forged, shall be committed for trial before the Court of Circuit. *Beng. Ben.* 1797 *R.* 6. § 30. *Ced. Prov.* 1803 *R.* 43. § 24. A. D. 1797 Modified 1808 R. 13 § 18

A. D. 1801 7. Any native servant of a landholder, convicted of altering or fabricating accounts of lands, or of receipts or disbursements of revenue, shall, in addition to the punishment for perjury, be dismissed from his employ, under a penalty upon his employer if he ever employ him again. *Beng. Ben.* 1801 *R* 1. § 8. *Ced. Prov.* 1803 *R.* 23. § 3. *C.* 2.

A. D. 1806 8. Persons, forging the stamps, or having, using or disposing of forged stamps, and persons having, using, issuing or disposing of forged stampt paper knowing it to be forged, shall be held to bail, or in default of bail be committed to custody, for trial before the Court of Circuit; and on conviction shall be sentenced to corporal punishment not exceeding thirty nine Corahs, and to imprisonment with hard labor not exceeding seven years, and to banishment in the discretion of the Nizamut Adaulut. *Beng. Ben. Ced. Beng.* 1806 *R.* 13. § 12.

FUTWAS.

A. D. 1793 1. After a criminal trial is completed, the law officer of the Circuit Court, who is to be present during the whole trial, shall write at the end of the record the Futwa or law applicable to the case, and attest it with his seal and signature: if the Futwa shall appear to the Judge consonant to justice and to the Muhamedan law, the Judge shall pass sentence in the terms of the Futwa. *Beng.* 1793 *R.* 9. § 47. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 1.

2. If the Judge disapprove of the Futwa, he shall transmit the trial to the Nizamut Adaulut without passing sentence, and state the grounds of his disapproval to that Court. *Beng.* 1793 *R.* 9. § 53. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 22.

3. If the Futwa be for mutilation, the Court shall commute it into imprisonment during seven years for each limb. *Beng.* 1793 *R.* 9. § 51. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 21.

4. On trials for murder, the Futwa in a Court of Circuit is to be according to the doctrines of Yusef and Muhamed. *Beng.* 1793 *R.* 9. § 50. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 19.

5. And in the Nizamut Adaulut: but this Court shall not be guided by the distinctions of the Muhamedan law respecting the mode and instrument further than as evidence of the intent. *Beng.* 1793 *R.* 9. § 75. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 1.

6. The law officer is to give his opinion on all points of law arising on a trial; if the Court should think such opinion contrary to justice or to the Muhamedan law, they shall, after completing the trial and obtaining the Futwa, transmit the proceedings to the

the Nizamut Adaulut without passing sentence, and state their objections to that Court. A. D. 1793
Beng. 1793 *R.* 9. § 54. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 23.

7. In trials for murder, where the heir of the slain shall not attend, or shall refuse to prosecute, or be not of legal age to demand retaliation, the law officer is to declare what would have been the Futwa if the heir had been of legal age and had attended and prosecuted. *Beng.* 1793 *R.* 9. § 55. ext. *Ben.* 1795 *R.* 16. § 22. Re-enacted 1797 R. 4 § 8.

8. If witnesses be deemed incompetent by the Muhamedan law solely on the ground of not professing the Muhamedan religion, the law officer is to declare what would have been the Futwa if such witnesses had been Muhamedans. *Beng.* 1793 *R.* 9. § 56. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 25.

9. The law officers of the Nizamut Adaulut, after considering a trial referred by a Court of Circuit, shall write on the record whether the Futwa of the Court of Circuit's law officer is consistent with the evidence and with the Muhamedan law; or, if not, what the Futwa ought to have been; and shall subscribe their names and affix their seals to the Futwa: and the Nizamut Adaulut shall pass sentence after considering the Futwas of both Courts. *Beng.* 1793 *R.* 9. § 77. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 12.

10. The Futwa of either law officer of a Court of Circuit, in the absence of the other, shall be equally valid as the Futwa of both jointly. *Beng.* 1793 *R.* 9. § 61. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 7.

11. The Futwa of the Zilla law officer, when employed by a Court of Circuit during the absence or sickness of the Circuit law officer, is to be held of equal validity. *Beng.* 1794 *R.* 7. § 14. ext. *Ben.* 1795 *R.* 16. § 21. *Ced. Prov.* 1803 *R.* 7. § 24. A. D. 1794 Re-enacted 1797 R. 4 § 8.

12. Persons, setting fire to a Koorh, or aiding thereto, shall, if any person be burnt therein, be sentenced to death by the Nizamut Adaulut whatever be the Futwa. *Ben.* 1795 *R.* 21. § 7. A. D. 1795

13. After a trial for murder is completed, the law officer shall write on the record whether the prisoner is convicted or not; if he acquit the prisoner, the Court of Circuit shall immediately discharge the prisoner unless they disapprove of the Futwa: if he find the prisoner guilty of wilful murder, he shall also write on the record what would be the Futwa if all the heirs of the slain entitled to demand Kisas had prosecuted at an age competent to demand Kisas and had demanded Kisas; and the trial shall be referred to the Nizamut Adaulut whatever be the Futwa: if he find the prisoner guilty of homi- A. D. 1793

A. D. 1797 cide other than wilful, he shall add the Futwa applicable to such homicide. *Beng. Ben.* 1797 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 2.

14. If the Futwa award Deyut, the Court of Circuit shall commute it to imprisonment. *Beng Ben.* 1797 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 7 § 15. *C.* 2.

15. The law officers of the Nizamut Adaulut, in writing their Futwa on convictions of wilful murder, shall always assume that all the heirs of the slain entitled to demand Kisas prosecuted at an age competent to demand Kisas and demanded Kisas; and, if they do not think the prisoner convicted of wilful murder, they shall write their reasons, and whether they deem him altogether innocent or guilty of some other homicide, and shall add the legal penalty of such homicide; and the Nizamut Adaulut, after considering the Futwa, shall pass sentence according to the Regulations. *Beng. Ben* 1797 *R* 4. § 4. *Ced Prov* 1803 *R.* 8. § 11.

16. All pecuniary fines and Deyuts, for offences other than homicide, imposed by a Futwa, shall be commuted by the Circuit Court to imprisonment *Beng Ben.* 1797 *R.* 14. § 4. *Ced. Prov.* 1803 *R.* 7. § 39 *C.* 2.

17. During the absence of the Circuit law officer, the law officer of the Zilla or City shall perform his functions. *Beng. Ben* 1797 *R.* 4 § 8 *Ced Prov.* 1803 *R.* 7. § 24.

18. The law officer of a Circuit Court is to be required, on any conviction of perjury, to declare whether the prisoner be liable to Tus-heer according to the opinion of Hunceta, as well as to corporal punishment and imprisonment according to the opinion of Yusef and Muhamed. *Beng. Ben.* 1797 *R.* 17. § 2. *Ced. Prov.* 1803 *R.* 7 § 40.

A. D. 1799 19. In convictions of murder, if the Futwa declare the prisoner not liable to suffer death by Kisas, solely on the ground of his being the ancestor or heir of the slain, or the ancestor of one of the heirs of the slain, or in consequence of the slain having been a slave, or on any similar personal distinction, the Nizamut Adaulut shall notwithstanding sentence him to suffer death. *Beng. Ben* 1799 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 15.

20 And similarly, if the Futwa declare the prisoner not liable on the ground of one or more of his accomplices being exempted from Kisas. *Beng. Ben.* 1799 *R.* 8. § 4. *Ced. Prov* 1803 *R.* 8. § 17.

21. And also, whatever be the Futwa, in cases when the prisoner was desired by the deceased to put him or her to death. *Beng. Ben.* 1799 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 16.

22. And in cases of homicide by drowning or poison, if they deem the intention of drowning and poisoning to be evident. *Beng. Ben.* 1799 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 1. A. D. 1799

23. The Nizamut Adaulut may sentence to death accomplices in wilful murder, whether the Futwa declare the same or not. *Beng. Ben.* 1799 *R.* 8. § 4. *Ced. Prov.* 1803 *R.* 8. § 17.

24. If a person, maliciously intending to murder one individual, should accidentally kill another, the law officers of the Circuit Courts on the trial, and of the Nizamut Adaulut on the reference of the trial, shall be required to state in their Futwa what would have been the punishment if the intended murder had been committed. *Beng. Ben.* 1801 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 2. A. D. 1801

25. And in all cases of accidental homicide committed in the prosecution of an unlawful act, which, if committed, would have incurred a sentence of death. *Beng. Ben.* 1801 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 3.

26. If a person, intending to wound one individual, shall accidentally wound another, the law officers of the Circuit Court shall be required to declare what would have been the punishment if the act had been committed on the individual intended to be wounded. *Beng. Ben.* 1801 *R.* 8. § 4. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 4.

27. And, on the reference of such trials to the Nizamut Adaulut, the law officers of this Court shall be required to give their Futwa on similar grounds. *Beng. Ben.* 1801 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 5.

28. In homicides clearly from misadventure, the Courts of Circuit shall not sentence the prisoner to any punishment, though the Futwa declare him liable to pay Deyut. *Beng. Ben.* 1801 *R.* 8. § 6. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 6.

29. If a person throw a child into the sea or a river, in the intention of taking away life, and the child lose its life in consequence, the Nizamut Adaulut shall sentence him, and all his abettors, to death, whatever be the Futwa. *Beng. Ben.* 1802 *R.* 6. § 2. A. D. 1802

30. When the law officer of a Court of Circuit considers a prisoner liable to discretionary punishment, he shall state in his Futwa the grounds on which the prisoner is adjudged to be liable thereto. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 1. A. D. 1803

31. And shall be required to state in a second Futwa what would have been the specific penalty on conviction by legal evidence, if the first Futwa adjudged discretionary punishment on the grounds of some legal deficiency in the evidence, in a case for which

no

A. D. 1803 no penalty has been provided by a Regulation and in which the legal penalty on complete conviction of the crime would have been, under the Muhamedan law, Hud or Kisas: and the Judge shall pass sentence accordingly. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 3.

32. Also what would have been the penalty, if such exception had not existed, in a case where the Futwa declares discretionary punishment on the ground of some special exception repugnant to equal justice. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 4.

33. If the Judge disapprove of the Futwa and be not authorized to pass sentence notwithstanding the Futwa, the trial shall be referred to the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 6. *C.* 1.

34. And in such case, the Court of Circuit shall not pass sentence. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 6. *C.* 2.

35. Nor shall the Court pass any sentence, except for acquittal, on any accomplice, when the trial of the principal is referred to the Nizamut Adaulut, though he approve the Futwa. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 6. *C.* 2.

36. If no specific penalty have been provided by a Regulation, or by the Muhamedan law, the Judge shall consult with the law officer. *Beng. Ben. Ced. Prov.* 1803 *R.* 53 § 2. *C.* 7.

37. On the reference of such trials to the Nizamut Adaulut, if the law officers of the Nizamut Adaulut adjudge a prisoner to discretionary punishment, they shall state the grounds of their opinion. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 1.

38. And the Nizamut Adaulut will pass sentence, after taking a second Futwa where requisite. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 2.

39. And may adjudge the punishment specified by a Regulation, whatever be the Futwa. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 4.

40. If the law officers of the Nizamut Adaulut shall confirm the conviction awarded by the Futwa of the Circuit law officers, and the sentence passed accordingly by the Circuit Judge shall appear comformable to the Regulations, the Nizamut Adaulut may, in cases not capital, confirm the sentence without revising the proceedings: but if the law officers of the Nizamut Adaulut shall not confirm the conviction, the Nizamut Adaulut shall revise such part of the proceedings as may be requisite for forming a judgment on the case. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 5.

41.

41. No punishment shall be awarded on weak presumption, nor on evidence undeserving of credit, whatever be the Futwa: but, in cases of strong suspicion though not amounting to conviction, or of bad character, the prisoner may be detained till he give security. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 6.

42. Nor a punishment exceeding or equal to the specific legal penalty (unless expressly denounced by a Regulation), if mitigated by the Futwa on circumstances altering the nature, or diminishing the criminality, of the offence. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 5.

43. In trials for gang robbery, if the Futwa award discretionary punishment, the Circuit Judge shall proceed according to Section 2; if it adjudge death, he shall transmit the trial to the Nizamut Adaulut; if mutilation, he shall pass sentence of commutation as per Section 4, or transmit the trial to the Nizamut Adaulut, according as circumstances may require. *Beng. Ben. Ced. Prov.* 1803 *R.* 53 § 3. *C.* 3.

44. On the revision of the trials referred by the Magistrates of the Ceded Provinces prior to 24th March 1803, the Court of Circuit is to be guided by the following rules in passing sentence. *Ced Prov.* 1803 *R.* 51. § 2. *C.* 1.

45. If the Futwa acquit the prisoner and the Court approve of the Futwa, they shall pass sentence accordingly and issue their warrant for his immediate release. *Ced. Prov.* 1803 *R.* 51 § 2. *C.* 2.

46. And if the Futwa award any punishment except death or perpetual imprisonment, and the Court approve of the Futwa, they shall pass sentence in conformity to the Futwa and issue their warrant for its execution. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 3.

47. But if the Futwa award death or perpetual imprisonment, the Court shall not pass sentence, but shall send the proceedings to the Nizamut Adaulut and wait the final sentence of that Court. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 4.

48 No modification of the Muhamedan law, except commutation for mutilation or unless otherwise favourable to the prisoner, shall be applied to such trials; and if the Futwa exempt from punishment persons convicted of heinous offences, the Court shall send the trial to the Nizamut Adaulut with the recommendation of a specific period of imprisonment; or may direct, that the prisoner give security, previous to his release, for his appearance and future good behaviour. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 5.

49. On the reference of such trials, the Nizamut Adaulut is to pass sentence after receiving the Futwa of their law officers and calling for further evidence if deemed necessary, and shall not apply the modifications of the Muhamedan law except as above. *Ced. Prov.* 1803 *R.* 51 § 3. *C.* 2.

A. D. 1803 50. And in cases where the Futwa exempts from punishment persons convicted of heinous offences, may sentence them to confinement for life or any other period deemed sufficient; or may direct, that previous to their release, they give security for their appearance and good behaviour. *Ced Prov.* 1803 *R.* 51. § 3. *C.* 3.

A. D. 1804 51. In trials for offences committed in Cuttack between the 14th October 1803 and the promulgation of the Regulation, if the Futwa award a punishment not extending to life or limb, nor exceeding seven years imprisonment, the Court of Circuit may execute or mitigate it; or, if it award a severer punishment, shall send the trial to the Nizamut Adaulut, who shall commute mutilation into imprisonment, and may execute or mitigate other sentences. *Beng.* 1804 *R.* 4. § 7.

52. And similarly in trials for offences committed in the Conquered Provinces between the 30th December 1803 (in Bundelkhund the 16th December 1803) and the promulgation of the Regulation. *Ben. Ced. Prov.* 1804 *R.* 9. § 11.

A. D. 1805 53. The Court of Circuit and the Nizamut Adaulut, on trials for offences committed within the settlements of Chandernagore and Chinsura, shall be guided by the Futwa, and any modification in favour of the prisoner: but in trials for murder the Futwa shall be given without any reference to the heir of the slain, on a supposition that the legal demand for Kisas has been made. *Beng.* 1805 *R.* 16. § 3. *C.* 3.

54. If the Futwa award against an European or descendant of an European, a punishment severer than the law in force when those settlements came into the possession of the British Government, such law shall be abided by. *Beng.* 1805 *R.* 16. § 3. *C.* 4.

GARRISONS AND CANTONMENTS.

A. D. 1793 1. The charges of purchasing provisions, firewood and grass for the troops stationed at Midnapore are to be discontinued. *Beng.* 1793 *R.* 8. § 95.

Rescinded 1816 R. 20 § 2 2. The Collector is not to authorize the establishment of stills for the manufacture of spirituous liquors within two Cos of the cantonments of Barrackpoor, Berhampoor, or Dinapoor. *Beng.* 1793 *R.* 34. § 16.

3. And shall, on the application of the Commissary of Bazars, remove all shops for the sale of spirituous liquors found to be within the limited distance. *Beng.* 1793 *R.* 34. § 17.

A. D. 1795 4. The Collector is not to authorize the establishment of stills for the manufacture of spirituous liquors within two Cos of the military station of Chunar; and shall remove, on the application of the Commissary of Bazars, all shops for the sale of spirituous liquors found to be within the limited distance. *Ben.* 1795 *R.* 47. § 7.

5. The prohibition of Sections 16 and 17, Regulation 34 of 1793, is to extend to all military cantonments within the provinces. *Beng. Ben.* 1800 *R.* 6. § 34. A. D. 1806 Rescinded 1806 R. 20. § 1.

6. The Collector, on the application of the Commanding Officer of a military cantonment, may grant licenses for the establishment of liquor shops within a cantonment; liable, if belonging to a manufacturer, to the duties on stills; or if only to a retailer, to such duties as the Collector and Commanding Officer may fix; and subjecting the person, as a camp follower, to the authority of the Commanding Officer: who may take such measures as he may think proper for restricting the sale. *Beng. Ben.* 1800 *R.* 6. § 34. *Ced. Prov.* 1803 *R.* 40. § 13.

7. The Collector is not to authorize the establishment of stills for the manufacture of spirituous liquors within such a distance of any military cantonment in the Ceded Provinces, as to be accessible to the troops, and shall remove, on the application of the Commanding Officer, liquor shops deemed too near such cantonment; except in the large and populous towns near military cantonments; and, for such towns, the Collector, after consulting with the Commanding Officer, shall impose proper restrictions. *Ced. Prov.* 1803 *R.* 40. § 12. A. D. 1807 Rescinded 1806 R. 20. § 1.

8. The prohibition of licensing liquor shops within two Cos of a military cantonment, in Section 16, Regulation 34 of 1793, Section 34, Regulation 6 of 1800, and Section 12, Regulation 40 of 1803, is rescinded. *Beng. Ben. Ced. Prov.* 1806 *R.* 20. § 2. A. D. 1806

9. The Collector is to communicate with the Commanding Officer of any cantonment, at which European troops are quartered; and shall be guided by his recommendation as to the distance at which licenses may be granted: unless he should be of opinion, that the distance proposed by the Commanding Officer is unnecessarily great, or otherwise liable to objections; in which case he shall report the circumstance to the Board of Revenue, who shall submit it with their opinion to the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 20. § 3.

10. If on the representation of the Commanding Officer, or from any other source of information, it shall appear to the Governor General that shops, which may have been licensed, are injurious to the European troops quartered in any cantonment, he will order such licenses to be withdrawn. *Beng. Ben. Ced. Prov.* 1806 *R.* 20. § 4.

11. The Board of Revenue shall reconsider the rates of duty now levied on shops situated near any military cantonment; and, if of opinion, that the duty should be increased, shall recommend the measure to the Governor General in Council, under Section 3, Regulation 6 of 1800, and Section 15, Regulation 40 of 1803. *Beng. Ben. Ced. Prov.* 1806 *R.* 20. § 5.

GUARDIANS.

A. D. 1793

1. Guardians are to be appointed to landholders disqualified for minority, idiotism, lunacy, or other natural defect, or infirmity. *Beng* 1793 *R.* 10. § 22. *Ced. Prov.* 1803 *R.* 52. § 26.

2. Female minors shall have female guardians. *Beng.* 1793 *R.* 10. § 21. *Ced. Prov.* 1803 *R.* 52. § 25.

3. The guardian is to be selected by the mode prescribed for the selection of the manager, except that guardians appointed by the deceased ancestor's will shall be preferred if duly qualified; and that the legal heir, or person interested in surviving the ward, shall not be guardian. *Beng.* 1793 *R.* 10. § 21. *Ced. Prov.* 1803 *R.* 52. § 25.

4. The trusts of guardian and manager may be committed to the same person; but the trusts are to be considered distinct. *Beng.* 1793 *R.* 10. § 6. *Ced. Prov.* 1803 *R.* 52. § 10.

5. And the person, entrusted with both offices, shall execute distinct obligations and deliver distinct accounts. *Beng.* 1793 *R.* 10. § 30 *Ced. Prov.* 1803 *R.* 52 § 34.

6. The guardian is to have charge of the person and maintenance of the ward, and his education if a minor. *Beng.* 1793 *R.* 10. § 7. & 20. *Ced. Prov.* 1803 *R.* 52 § 11. and 24.

7. Of the house in which the ward resides, the moveables in use, and the money for his maintenance; and shall depositе with the Collector a signed inventory of the property in his charge. *Beng.* 1793 *R.* 10. § 15. *Ced. Prov.* 1803 *R.* 52 § 19.

8. And is to be attentive to the education of the minor wards whether male. *Beng.* 1793 *R.* 10. § 27. *Ced. Prov.* 1803 *R.* 52. § 31.

9. Or female. *Beng.* 1793 *R.* 10. § 23. *Ced. Prov.* 1803 *R.* 52 § 32.

10. The guardian is to give security for his appearance, and to execute a penal obligation. *Beng.* 1793 *R.* 10. § 24. *Ced. Prov.* 1803 *R.* 52. § 28.

11. Shall have a personal allowance if necessary. *Beng.* 1793 *R.* 10. § 23. *Ced. Prov.* 1803 *R.* 52. § 27.

12. And an establishment of servants fixed by the Court of Wards. *Beng.* 1793 *R.* 10. § 25. *Ced. Prov.* 1803 *R.* 52. § 29.

13. The guardian may be sued in the Court of Wards on behalf of the ward by any person giving security for costs and damages in case of nonsuit, the Collector, if

ordered

ordered by the Court of Wards, may inquire and report, but not pass judgment, in such suits; the judgments of the Court of Wards are appealable to the Sudder Dewannee Adaulut in three months, or afterwards on cause shown for the neglect. *Beng.* 1793 *R.* 10. § 32. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 36. *C.* 2. A. D. 1793

14. When the disqualification shall have ceased, or if the estate devolve to a person not disqualified, the guardian is to be sued in the Zilla Court. *Beng.* 1793 *R.* 10. § 36. *Ced. Prov.* 1803 *R.* 52. § 40.

15. Landholders having guardians are not to be sued except under the protection and joint name of the guardian. *Beng.* 1793 *R.* 10. § 32. *C.* 1. *Ced. Prov.* 1803 *R.* 52. § 36. *C.* 1. Modified 1795 R. 55 § 2

16. The money for the maintenance of the ward and his family, is to be paid by the manager to the guardian. *Beng.* 1793 *R.* 10. § 14. *Ced. Prov.* 1803 *R.* 52. § 18.

17. The guardian is to deliver a monthly account current of it to the Collector, and an annual account on oath, (or on a solemn declaration if admitted by the Court of Wards); and shall pay over to the manager any balance in his hands at the end of the year. *Beng.* 1793 *R.* 10. § 26. *Ced. Prov.* 1803 *R.* 52 § 30.

18. The guardian is to use his own signature and seal, and not the name or seal of the ward, to all papers. *Beng.* 1793 *R.* 10. § 31. *Ced. Prov.* 1803 *R.* 52. § 35.

19. And is to obey all orders of the Court of Wards not contrary to a Regulation. *Beng.* 1793 *R.* 10. § 35. *Ced. Prov.* 1803 *R.* 52. § 39.

20. Guardians of joint proprietors in landed estates are to vote for the ward in the election of a manager. *Beng.* 1793 *R.* 8. § 24. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 2.

21. Guardians sued jointly with the ward are not to give security. *Beng.* 1795 *R.* 55. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 7. A. D. 1795

22. The legal guardian of a minor or otherwise disqualified heir of an intestate native, not liable to the jurisdiction of the Court of Wards, may take charge of the estate without application to the Civil Courts; who are prohibited from interfering except on a regular complaint. *Beng. Ben.* 1799 *R.* 5. § 3. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 3. A. D. 1799

23. On receipt of objections from the Collector, or from any person interested in the family welfare, against the eligibility of the next of kin as guardian to the minor or otherwise disqualified heir of an intestate proprietor in a joint estate, the Zilla Court, if on inquiry satisfied with the objections, shall nominate a guardian, reporting it to the Sudder A. D. 1800

A. D. 1800 der Dewannee Adaulut. *Beng. Ben.* 1800 *R.* 1. § 1. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 8.

24. In choosing such guardian the Court shall attend to the character and qualifications of the person, and shall not select the legal heir of the ward or any person interested in surviving him. *Beng. Ben.* 1800 *R.* 1 § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 9.

25. Such guardian shall have a personal allowance, if necessary, fixed by the Court. *Beng. Ben.* 1800 *R.* 1. § 3. *Ced. Prov.* 1805 *R.* 8. § 29 *C.* 10.

26. Shall give security for his appearance, and execute a penal obligation. *Beng. Ben.* 1800 *R.* 1. § 4. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 11.

27. Shall have charge of the ward, and vote in the election of the manager; who is to account with him for the ward's share of the profits. *Beng. Ben.* 1800 *R.* 1. § 5. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 12.

28. Persons, deeming themselves aggrieved under this Regulation, may petition the Zilla Court, or the Sudder Dewannee Adaulut, to whom all proceedings of the Court shall be sent, and whose decision is final. *Beng. Ben.* 1800 *R.* 1. § 7. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 14.

29. The guardian of a minor &c. shall notify to the Collector the ward's succession to an estate, under penalty of being fined by Government, on the report of the Collector through the Board. *Beng. Ben.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42 § 41.

A. D 1805 30. The guardian of a minor proprietor in a joint estate, whether nominated by the will of the ancestor or by the Court, shall superintend the interest of the ward, and exercise the same powers which the ward himself might exercise were he qualified. *Beng.* 1805 *R.* 17. § 5.

GOVERNOR GENERAL IN COUNCIL.

I. *LEGISLATIVE & SUPERINTENDING AUTHORITY.*

A. D. 1793 1. Every rule or order passed by the Governor General in Council, regarding the administration of justice, the imposition or levying of taxes or duties on commerce, the collection of the public revenue on land, the rights and tenures of the proprietors and cultivators of the soil, the provision of the Company's investment, the manufacture of salt and opium, and generally all regulations affecting the rights, persons or property of the natives or others amenable to the Provincial Courts, shall be recorded in the Judicial Department, framed into a Regulation, and printed and published. *Beng.* 1793 *R.* 41. § 2. ext. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1. § 2.

2.

2. The copies of Regulations, as passed and printed, shall be distributed in such proportions, and to such persons, as the Governor General in Council may direct. *Beng.* 1793 *R.* 41. § 11. ext. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1. § 11. A.D. 1793

3. And the annual set when bound up with its index. *Beng.* 1793 *R.* 41. § 12. ext. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1. § 12.

4. And are to be translated by such persons as he may appoint. *Beng.* 1793 *R.* 41. § 15. ext. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1. § 15.

5. The Sudder Dewannee Adaulut is to submit to the Governor General in Council all Regulations received through a Provincial Court of Appeal, or a Court of Circuit, from the Zilla Judges, or Magistrates, with a letter stating the grounds of their approval or disapproval, or an altered Regulation with a letter stating their reasons for the alteration. *Beng.* 1793 *R.* 20. § 9. ext. *Ben.* 1795 *R.* 29. § 2. *Ced. Prov.* 1803 *R.* 9. § 9.

6. And Regulations proposed by a Provincial Court of Appeal or a Court of Circuit. *Beng.* 1793 *R.* 20. § 12. ext. *Ben.* 1795 *R.* 29. § 2. *Ced. Prov.* 1803 *R.* 9. § 12.

7. Regulations proposed by the Sudder Dewannee Adaulut or Nizamut Adaulut, are to be drafted in the prescribed form. *Beng.* 1793 *R.* 20. § 14. ext. *Ben.* 1795 *R.* 29. § 2.

8. The Governor General in Council will reject or adopt any Regulation submitted to him, or pass such other Regulation as he may deem proper. *Beng.* 1793 *R.* 20. § 15. ext. *Ben.* 1795 *R.* 29. § 2. *Ced. Prov.* 1803 *R.* 9. § 14.

9. He will enact, whenever he may deem it proper, such Regulations as he may judge necessary for the welfare and protection of the dependant Talookdars, Rayats and cultivators of the soil. *Beng.* 1793 *R.* 1. § 8. *C.* 1. *Ben.* 1795 *R.* 27. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 1. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 1.

10. And may, if he should think it hereafter proper, establish the Sayer and other internal duties, and appoint officers for the collection thereof. *Beng.* 1793 *R.* 1. § 8. *C.* 2. *Ben.* 1795 *R.* 27. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 2. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 2.

11. And impose such assessment as he may deem equitable on rent-free lands held on invalid titles. *Beng.* 1793 *R.* 1. § 8. *C.* 3. *Ben.* 1795 *R.* 27. § 5. *C.* 3. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 3. *Conq. Prov.* 1805 *R.* 9 § 25. *C.* 3.

12. And resume the whole or a part of the allowances and produce of lands appropriated for the purposes of Police. *Beng.* 1793 *R.* 1. § 8. *C.* 4. *Ben.* 1795 *R.* 27. § 5. *C.* 4.

A. D. 1793 C. 4. *Ced. Prov* 1803 *R.* 25. § 35. *C.* 4. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 4.

13. And dispense with, alter, or abolish the Regulations regarding disqualified landholders. *Beng.* 1793 *R.* 1. § 8. *C.* 5.

14. The Calcutta Mint Master is to report to the Governor General in Council, if any Rupees, coined at the Mints of Patna, Dacca and Moorshedabad, be not of the proper standard, or be deficient in workmanship. *Beng.* 1793 *R.* 35. § 11.

A. D. 1795 15. No European is to reside in the Zemindaree of Benares without the sanction of the Governor General in Council. *Ben.* 1795 *R.* 33. § 4. *C.* 12.

16. All the rules, regarding the cultivation of indigo in Benares, are liable to such amendment or revocation as Government may at any time direct. *Ben.* 1795 *R.* 33. § 9. *C.* 3.

A. D. 1796 17. The Sudder Dewannee or Nizamut Adaulut are to submit to the Governor General in Council any doubt which may occur to them, with respect to the meaning of any part of the Regulations, on a reference from Zilla or City Judges and Magistrates, and from Provincial Courts of Appeal or Circuit, regarding the construction of a Regulation. *Beng. Ben.* 1796 *R.* 10. § 4. *Ced. Prov.* 1803 *R.* 22. § 4.

A. D. 1799 18. The Board of Revenue are to be guided by the special orders of the Governor General in Council, to whom they are to apply in all cases unprovided for by the Regulations; or may propose Regulations in the prescribed form, with a letter stating the grounds and all documents referred to: and shall submit any Regulation proposed in such form by the Collectors, with the explanation and documents of the Collector, and a letter stating the reasons of their approval or disapproval, or an amended Regulation. *Beng.* 1799 *R.* 7. § 31. ext. *Ben.* 1800 *R.* 5. § 28. *Ced. Prov* 1803 *R.* 26. § 61.

A. D. 1800 19. The Governor General is to be Patron and Visitor of the College of Fort William. 1800 *R.* 9. § 4.

20. And the Members of the Supreme Council are to be Governors. 1800 *R.* 9. § 5.

21. The Governor General in Council is to be trustee for the funds of the College, and shall submit his proceedings to the Court of Directors. 1800 *R.* 9. § 6.

22. The junior civil servants of the Company, belonging to the Presidencies of Bengal, Bombay or Madras, may be admitted to the College by order of the Governor General in Council, for such term and under such Regulations as may be deemed proper. 1800 *R.* 9. § 20.

23. And the junior military servants of the three Presidencies. 1800 *R.* 9. § 21.

24.

24. A ſtatement of all ſalaries and appointments and removals of the officers of the College, and printed copies of all ſtatutes enacted for it, ſhall be ſubmitted by the Patron and Viſitor, at the expiration of each term, to the Governor General in Council; and by him to the Court of Directors. 1800 *R.* 9. § 27. A. D. 1800

25. No civil ſervant, who arrived in India previous to 4th May 1800, ſhall be attached to the College, unleſs he make formal application to the Governor General in Council, and obtain his permiſſion. 1801 *R.* 4. § 2. A. D. 1801

26. Britiſh ſubjects are not allowed to reſide in the Ceded Provinces, unleſs they ſhall have obtained the permiſſion of Government. *Ced. Prov.* 1803 *R.* 2. § 6. A. D. 1803

27. The Governor General in Council may, by an order in Council, reduce or increaſe the number of mints in the Ceded Provinces, or remove the mints to any other places within the dominions of the Company. *Ced. Prov.* 1803 *R.* 45. § 4.

28 The Circuit Judge, on the jail delivery of Furrokhabad, ſhall report to the Governor General in Council the reſult of his inquiries regarding the manner in which the buſineſs of the mint is conducted. *Ced. Prov.* 1803 *R.* 45. § 11.

29. And the Mint Maſter in Calcutta ſhall report to the mint committee, for the orders of the Governor General in Council, any ſpecimen of Furrokhabad coin found to be defective in workmanſhip or not of the proper ſtandard. *Ced. Prov.* 1803 *R.* 45. § 13.

30. The Governor General in Council may, by an order in Council, grant, for ſuch period as he ſhall judge reaſonable, a temporary exemption from ſubſcribing that part of the oath of office, which prohibits a covenanted civil ſervant from engaging in commercial concerns. *Beng. Ben. Ced. Prov.* 1805 *R.* 7. § 2. A. D. 1805

31. Applications for ſuch exemption are to be made to the Governor General in Council, who will refer them to the Board of Trade; and the Board, where the indulgence ſhall appear indiſpenſable, ſhall report the period of exemption deemed reaſonable. *Beng. Ben. Ced. Prov.* 1805 *R.* 7. § 3.

32. But no exemption ſhall be granted for commercial concerns within the diſtrict to which the official authority of ſuch ſervant extends, nor in caſes where the exemption might in the opinion of the Governor General in Council prove injurious to the public ſervice. *Beng. Ben. Ced. Prov.* 1805 *R.* 7. § 5.

33. The Collector of Cuttack is to forward to the Secretary of Government in the Revenue Department, for the purpoſe of being forwarded to the Aſſay Maſter to be aſſay-

A. D. 1805 ed, specimens of any Rupees current in the Zilla exclusive of those specified in Section 14, Regulation 35 of 1793. *Beng.* 1805 *R.* 12. § 13.

34. The Superintendent of Nizamut affairs may report the circumstances of any communication from any public officer to the Nazim which shall appear liable to objections, and the Governor General in Council will pass such order as the case may appear to require. *Beng.* 1805 *R.* 19. § 7.

A. D. 1806 35. Copper coin in the Ceded Provinces is to be struck in such quantities, and at such times, as the Governor General in Council may direct. *Ced. Prov.* 1806 *R.* 3. § 3.

36. The account and vouchers of the expense incurred in providing boats or bridges for troops on their march, shall be submitted by the Collectors, through the prescribed channel of correspondence, to the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 4. *C.* 3.

37. And any claim to compensation by landholders &c. for any injury sustained from the march of troops. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 5. *C.* 2.

38 Any complaint of the misbehaviour of troops on their march, which may appear well founded and of sufficient importance, shall be reported by the Collectors to the Board of Revenue, and by the Magistrates to the Nizamut Adaulut, for the information of Government. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 7.

39. The Magistrates are to make an immediate report to Government, with all the circumstances, of any requisition made by them for military aid from a regular corps. *Beng Ben. Ced. Prov.* 1806 *R.* 11. § 14. *C.* 2.

40. The Commander in Chief will refer to Government, if the case require it, any refusal of a Commanding Officer of a regular corps to furnish a guard on requisition of a Magistrate. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 15. *C.* 1.

41. And the same for a temporary escort. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 16.

42. Judicial officers shall submit to the Governor General in Council, a statement of their permanent guards; and the Boards of Revenue and Trade shall submit, with their opinion, similar statements received by them from the revenue and commercial officers. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 15. *C.* 1.

43. And military monthly statements of guards, detachments and escorts. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 17.

44.

44. No augmentation shall be made in the permanent guards without the express sanction of the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 15. *C.* 2. A. D. 1806

45. Any civil officer in Calcutta, requiring a guard or escort, must apply to the Governor General in Council through the prescribed channel of correspondence. *Beng.* 1806 *R.* 11. § 19.

II. *PUBLIC OFFICERS.*

1. Native officers under a Collector may be fined in a sum not exceeding six months salary, and dismissed by order of the Governor General in Council, for performing any act of authority without the Collector's sanction. *Beng.* 1793 *R.* 2. § 9. *Ben.* 1795 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 25. § 8. A. D. 1793

2. The Board of Revenue are to report every instance in which they punish the officers under their authority for disobedience or inattention to a Regulation or to special orders. *Beng.* 1793 *R.* 2. § 30.

3. And when they summon such an officer to the Presidency to explain his conduct, or suspend him from office. *Beng.* 1793 *R.* 2. § 31. *C.* 2. ext. *Ben.* 1795 *R.* 5. § 27.

4. The Cazees and Mufties of the Courts of Circuit are not to be removable except on proof of incapacity, misconduct or profligacy, to the satisfaction of the Governor General in Council. *Beng.* 1793 *R.* 9. § 36. *Ben.* 1795 *R.* 16. § 9. *Ced. Prov.* 1803 *R.* 7. § 7.

5. The law officers of the Civil and Criminal Courts are to be appointed by the Governor General in Council and not removed except for incapacity, misconduct or profligacy, proved to his satisfaction. *Beng.* 1793 *R.* 12. § 2 ext. *Ben.* 1795 *R.* 11. § 9. *Ced. Prov.* 1803 *R.* 11. § 2.

6. Report of vacancy of a law officer, with the recommendation of a successor, is to be made to the Governor General in Council; who will appoint the person recommended or any person deemed better qualified. *Beng.* 1793 *R.* 12. § 9. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 9. Modified 1804 *R.* 5 § 10

7. Cazees, conniving at unfair practices in the appraisement and sale of distrained property, are to be reported to the Sudder Dewannee Adaulut for the information of the Governor General in Council; who will dismiss such Cazees from office. *Beng.* 1793 *R.* 17. § 23. *Ben.* 1795 *R.* 45. § 21. *Ced. Prov.* 1803 *R.* 28. § 21.

8.

A. D. 1803

8. And Cazees purchasing any of the distrained property at sale. *Beng.* 1793 *R.* 17. § 24. *Ben.* 1795 *R.* 45. § 22. *Ced. Prov.* 1803 *R.* 28. § 22.

9. The native Record-keepers in the Civil and Criminal Courts are not to be removed but for misconduct proved to the satisfaction of the Governor General in Council. *Beng.* 1793 *R.* 18. § 3. ext. *Ben.* 1795 *R.* 18 § 2. *Ced. Prov.* 1803 *R.* 15. § 3.

10. And the native Record-keepers in the Revenue Department are to be appointed by the Governor General in Council, and not removed but for misconduct proved to his satisfaction. *Beng.* 1793 *R.* 21. § 3 *Ben.* 1795 *R.* 30. § 2. *Ced. Prov.* 1803 *R.* 25. § 3.

11. No Police Daroghа is to be removed except on proof of incapacity or misconduct. A Magistrate, deeming a Darogha disqualified by incapacity or misconduct, may suspend him and appoint a person to act pro tempore; reporting the grounds to the Governor General in Council, who will determine whether the Darogha shall be removed or continued in office *Beng.* 1793 *R.* 22. § 6.

12. And similarly on proof that a Darogha has done any official act which he shall not have truly inserted in his monthly reports. *Beng.* 1793 *R.* 22. § 21.

13. And the same rules for Kotwals and Daroghas of Cities. *Beng.* 1793 *R.* 22 § 28.

14. The Governor General in Council, on representation of the Board of Trade, will, if he deem it proper, declare any native officer, under a Salt Agent, convicted of embezzlements &c. incapable of serving Government. *Beng.* 1793 *R.* 29. § 15.

15. Or any native officer, under a Commercial Agent. *Beng.* 1793 *R.* 31. § 13. *Ced. Prov.* 1803 *R.* 37. § 13. ext. *Ben.* 1805 *R.* 4. § 2.

16. The Cazee-ul-Cazat is to be appointed by the Governor General in Council, and not removable from office, but for incapacity, misconduct or private profligacy, proved to his satisfaction. *Beng.* 1793 *R.* 39. § 2. *C.* 1. ext. *Ben.* 1795 *R.* 49. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 46. § 2 *C.* 1.

17. And the Cazees of the cities, towns and Pergunnas. *Beng.* 1793 *R.* 39. § 3. *C.* 1. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 3. *C.* 1.

18. Zillah, City, and Appeal Courts, are to report to the Governor General in Council whenever it may appear to them that the Cazee of a city, town, or Pergunna, is incapable [illegible] of negligence, misconduct, or private profligacy. *Beng.* 1793 *R.* 39. § 6. *C.* 1 [illegible] *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 6. *C.* 1.

19.

19. And the Cazee-ul-Cozat is to report similarly. *Beng.* 1793 *R.* 39. § 6. *C.* 2 ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 6. *C.* 2. A. D. 1795

20. Vacancy of the office of Cazee in any city, town, or Pergunna, is to be reported immediately by the Judge to the Governor General in Council, with the recommendation of a qualified successor: the Cazee-ul-Cozat is to report to the Governor General in Council whether he has any, and what, objection to the appointment of the person recommended; and the Governor General in Council will confer the office on such person or any other person as may appear to him proper. *Beng.* 1793 *R.* 39. § 4. ext. *Ben.* 1795 *R.* 49 § 3. *Ced. Prov.* 1803 *R.* 46. § 4.

21. The Judges of Zillas and Cities are to transmit to the Governor General in Council the names of the Cazees, and of the places where stationed and what number of Cazees they deem sufficient. *Beng.* 1793 *R.* 39. § 9. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R* 46. § 9.

22. The Governor General in Council may abolish the office of Cazee at any place where deemed unnecessary. *Beng.* 1793 *R.* 39. § 3. *C.* 2. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 3. *C.* 2.

23. The Collector's Khezanchee in Benares is not to be removed from his office without the sanction of the Governor General in Council. *Ben.* 1795 *R.* 5. § 11. *Ced. Prov.* 1803 *R.* 25. § 10. A. D. 1795

24. Whenever the Magistrates in Benares &c. deem a Tehsildar disqualified for his station as a Police officer, they are to report the grounds to the Governor General in Council, who will determine whether he shall be removed or continued. *Ben.* 1795 *R.* 17. § 6. *Ced. Prov.* 1803 *R.* 35. § 6.

25. And if a Tehsildar be proved to have done any official act which he shall not have truly inserted in his monthly report, the Magistrate shall submit the case to the Governor General in Council, who will in his discretion either remove the Tehsildar or order an adequate fine to be levied from him. *Ben.* 1795 *R.* 17. § 19. *Ced. Prov.* 1803 *R.* 35. § 20.

26. The pleaders for Government shall in future be appointed by the Governor General in Council. *Beng. Ben.* 1797 *R.* 8. § 4. *Ced. Prov.* 1803 *R.* 10. § 22. A. D. 1797

27. And shall be furnished with a written authority in the English and Persian languages attested by the Secretary to Government. *Beng. Ben.* 1797 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 10. § 22.

A. D. 1803

28. The Khezanchee of a Collector in the Ceded Provinces is not to be considered appointed, until the Board of Revenue shall have signified the approbation of the Governor General in Council both of the Khezanchee and his surety; and the Khezanchee shall not be removed except for sufficient cause proved to the satisfaction of the Governor General in Council. *Ced. Prov.* 1803 *R.* 25. § 10.

29. Daroghas of Police establishments, entertained at the expense of Government in the Ceded Provinces, are not to be removed except on proof of incapacity or misconduct to the satisfaction of the Governor General in Council. *Ced. Prov.* 1803 *R.* 35. § 24.

A. D. 1804

30. The head native ministerial officers of the Sudder Dewannee and Nizamut Adaluts, of the Provincial Courts of Appeal and Circuit, of the Zilla and City Judges and Magistrates, of the Boards of Revenue and Trade, of the Collectors of revenue and customs, and of Commercial, Salt, and Opium Agents, shall not be removed without the sanction of the Governor General in Council. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 4.

31. The resignations of such officers, received and recorded in public Cutchery, shall be transmitted through the prescribed channel of correspondence to the Governor General in Council. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 5.

32. And charges of misconduct and incapacity, after calling upon the officer, for his answer, shall be so transmitted with a report of the circumstances and a copy and translation of the communication made to him and of his answer, and of any proceeding or document necessary for the information of the Governor General in Council: and a person may be appointed to act in such officer's place until the orders of Government can be obtained. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 6.

33. Also reports of vacancy by death or any other cause. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 7.

34. With the recommendation of a successor; reporting all information regarding his past employments, character and qualifications. *Beng. Ben. Ced. Prov.* 1804 *R.* 5 § 9.

35. And the Superior Court or Board shall report to the Governor General in Council whether any objection occur to the acceptance of the resignation of such officer, or whether there appear sufficient grounds for his dismission; and shall forward the reports of vacancy in any such office. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 8.

36. And shall, in submitting the recommendation of a successor, add whether they are aware of any objection to the proposed appointment; and the Governor General in Council, after calling for any further information deemed necessary, will either confirm the nomination, or direct a new one to be made for his approval. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 9.

37.

37. Tahsildars in Benares and the Ceded Provinces shall not be liable to suspension except by order of the Governor General in Council, or the Board of Revenue, or the Collectors. *Ben. Ced. Prov.* 1804 *R.* 5. § 10. A. D. 1804

38. The Governor General in Council reserves to himself the power of ordering Sections 5 to 9, to be applied to any other native officer, for whose appointment and removal he may judge it proper to require the express sanction of Government. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 11.

39. And the orders of Government shall be sufficient, without a new Regulation, to extend the other provisions of this Regulation to any office now subsisting, or which may be hereafter instituted. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 19.

40. The Civil Auditor is to report, through the proper channel, to the Governor General in Council, any deviation from the authorized establishment. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 20.

41. All removals and appointments, sanctioned by the Governor General in Council, shall be reported to the Civil Auditor. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 21.

42. And the names of all officers sanctioned by the Governor General in Council are to be inserted in the details of establishments accompanying accounts. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 22.

43. No alteration is to be made in the distribution of the salaries to native officers, nor in the number and designations of such officers, without the express sanction of the Governor General in Council. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 23.

44. The Governor General in Council may, by an order in Council, abolish any office, whenever he may judge its continuance to be unnecessary. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 24.

45. The head native officers of the mint at Furrokhabad shall be nominated by the Mint and Assay master, subject to the confirmation of the Governor General in Council. *Ced. Prov* 1805 *R.* 11. § 4. *C.* 1. A. D. 1805

46. The mint committee shall report to the Governor General in Council, with a translation of their proceedings and of the officer's defence, whenever they suspend or dismiss a native officer of the mint at Furrokhabad. *Ced. Prov.* 1805 *R.* 12. § 4. *C.* 2.

47. The Police Daroghas in Zilla Cuttack shall receive such salaries as the Governor General in Council may think proper to fix. *Beng.* 1805 *R.* 19. § 4. *C.* 4.

48. Native officers of the temple of Jugunnaut, deviating from the restrictions regarding fees, shall be liable to dismission on proof to the satisfaction of the Governor A. D. 1806

General

A. D. 1806 General in Council, if the case require a reference to Government. *Beng.* 1806 *R.* 4. § 6.

49. The Pundits of the temple of Juggannaut are to be recommended by the Collector, through the Board of Revenue, to the Governor General in Council. *Beng.* 1806 *R.* 4. § 12.

50. And the Governor General in Council may appoint them in the first instance if he deem it proper. *Beng.* 1806 *R.* 4. § 13.

51. The Pundits shall not be removable except on proof of misconduct to the satisfaction of Government. *Beng.* 1806 *R.* 4. § 15.

52. And such salaries shall be assigned to them, and to the other officers of the temple, as the Governor General in Council shall fix. *Beng.* 1806 *R.* 4. § 18.

53. Suspension of any officer of the temple shall be notified to the Governor General in Council if the case require it. *Beng.* 1806 *R.* 4. § 16.

54. And vacancies of such offices. *Beng.* 1806 *R.* 4. § 19.

III. *PENSIONS AND RENT-FREE LAND.*

A. D. 1793 1 If the competency of the officer, who may have subjected rent-free land to the payment of revenue, be doubted, the Court shall report the case to the Governor General in Council, and be guided by his determination. *Beng.* 1793 *R.* 19. § 2. *C.* 2. *R.* 37 § 2. *C.* 2. *Ben.* 1795 *R.* 41. § 2. *C.* 2. *R.* 42. § 2. *C.* 3. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 3. *R.* 36. § 2. *C.* 3. *Cuttack* 1805 *R.* 12. § 18. *C.* 3. & § 26. *C.* 3.

2. And the competency of the officer who may have confirmed a rent-free grant. *Beng.* 1793 *R.* 19. § 3. *C.* 2. *R.* 37. § 3. *C.* 2. *Ben.* 1795 *R.* 41. § 3. *C.* 2. *R.* 42. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 31. § 3. *C.* 2. *R.* 36. § 3. *C.* 2. *Cuttack* 1805 *R.* 12. § 20. and 28.

3. And of the officer who may have confirmed, as hereditary, a life grant. *Beng.* 1793 *R.* 19. § 2. *C.* 5. *Ben.* 1795 *R.* 41. § 2. *C.* 5.

4. Life grants, if successions have already taken place, shall not be resumed without the sanction of the Governor General in Council, to whom the proceedings and decree of the Court shall be transmitted. *Beng.* 1793 *R.* 19. § 2. *C.* 4. *Ben.* 1795 *R.* 41. § 2. *C.* 4. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 5. *Cuttack* 1805 *R.* 12. § 18. *C.* 5.

5. The Rullud in the aforementioned rent-free lands, for any uncultivated part thereof, shall be fixed by the Board of Revenue with the sanction of the Governor

General

General in Council. *Beng.* 1793 *R.* 19. § 8. *C.* 2. *Ben.* 1795 *R.* 41. § 8. *C.* 2. *Ced. Prov.* 1803 *R.* 31. § 5. *C.* 2 *Cuttack* 1805 *R.* 12. § 22. *C.* 2. A. D. 1795

6. All rent-free grants, made since 1st December 1790, by any authority other than the Governor General in Council, are null and void. *Beng.* 1793 *R.* 19. § 10. *Ben.* (since the beginning of 1196) 1795 *R.* 41. § 10. *Ced. Prov.* (after the promulgation of the Regulation) 1803 *R.* 31. § 6. *Cuttack* (after 14th October 1803) 1805 *R.* 12. § 19. and 27.

7. The Governor General in Council may give the whole or a part of the commission on resumed rent-free land, to the Collector who instituted the suit, or to the officer who succeeded him and preceded the Collector by whom the suit was prosecuted to judgment. *Beng.* 1793 *R.* 19. § 13. *R.* 37. § 8. *Ben* 1795 *R.* 41. § 13. *R.* 42. § 8. *Ced. Prov.* 1803 *R.* 31. § 8. *R.* 36. § 8.

8. Whenever a life grant escheats to Government, the Board of Revenue are to obtain the orders of the Governor General in Council regarding the resumption. *Beng.* 1793 *R.* 37. § 5. *Ben.* 1795 *R.* 42. § 5. *Ced. Prov.* 1803 *R.* 36. § 5.

9. The Board of Revenue are to report, to the Governor General in Council, their reasons for not preferring an appeal from any decision against a claim instituted under their orders for the resumption of rent-free land. *Beng.* 1793 *R.* 19. § 15 *R.* 37. § 10. *Ben.* 1795 *R* 41. § 15. *R.* 42. § 10. *Ced Prov.* 1803 *R.* 31. § 10. *R.* 36. § 10.

10. The Board of Revenue are to report any case in which the grantee, who shall have neglected to register his rent-free grant within the time limited, may appear entitled to have his grant admitted on the register; and the Governor General in Council will, if the reasons for the neglect appear satisfactory, admit such grant on the register. *Beng.* 1793 *R.* 19. § 26. *R.* 37. § 21. *Ben.* 1795 *R.* 41. § 26. *R.* 42. § 21. *Ced. Prov.* 1803 *R.* 31. § 21. *R.* 36. § 21.

11. But all such unregistered grants, if not admitted by the Governor General in Council, shall be held invalid. *Beng.* 1793 *R.* 19. § 27. *R.* 37. § 22. *Ben.* 1795 *R.* 41. § 27. *R.* 42. § 22. *Ced. Prov.* 1803 *R.* 31. § 22. *R.* 36. § 22.

12. No pension is to be continued to the heirs of a deceased pensioner without the sanction of the Governor General in Council. *Beng.* 1793 *R.* 24. § 4.

13. An appeal lies to the Governor General in Council, in one month, from decisions of the Board of Revenue, in appeal from decisions of the Collectors, on claims to pensions not exceeding fifty Rupees per annum. *Beng.* 1793 *R.* 24. § 5. *Ced. Prov.* (for pensions not exceeding 100 Rupees) 1803 *R.* 24. § 17.

A. D. 1793

14. All claims to pensions exceeding fifty Rupees are to be submitted by the Board, with the Collector's proceedings and their sentiments, to the Governor General in Council. *Beng.* 1793 *R.* 24. § 7. *Ced. Prov.* (for pensions exceeding 100 Rupees,) 1803 *R.* 24. § 19.

15. Cazees, guilty of any misconduct in regard to the payment of pensions, will be dismissed from office on proof to the satisfaction of Government. *Beng.* 1793 *R.* 24. § 15. *Ben.* 1795 *R.* 34. § 12. *Ced. Prov.* 1803 *R.* 24. § 24. *C.* 1.

16. The determination on the continuance of pensions is reserved to the Collector, Board of Revenue, and Governor General in Council. *Beng.* 1793 *R.* 24. § 17. *Ben.* 1795 *R.* 34. § 14 *Ced. Prov.* 1803 *R.* 24. § 16.

Rescinded 1804 R. 1 § 2

17. The annual estimate of the number of Sepoys transferred to the Jageer establishment is to be transmitted to the Governor General in Council, who will order it to be forwarded to the proper Collectors. 1793 *R.* 43. § 4.

Ditto

18. The Collector is to report to the Governor General in Council, any estate procurable by private purchase or order to be put up to public sale, which may contain a sufficient quantity of waste land for Sepoy Jageers. *Beng.* 1793 *R.* 43. § 7.

Re-enacted 1804 R. 1 § 21

19. Invalids, established upon lands the property of Government, are to hold their Jageers on such terms as the Governor General in Council may prescribe previous to their establishment. *Beng* 1793 *R.* 43. § 8.

20. Lands are to be granted to the invalids in such districts as the Governor General in Council may think proper. *Beng.* 1793 *R.* 43. § 33. *C.* 5.

A. D. 1795

21. The pensions to dispossessed Zemindars in Benares are not to be continued to heirs without the sanction of Government. *Ben.* 1795 *R.* 34. § 3.

22. The Board of Revenue are to submit, with their opinion, the case of all lapsed pensions to the Governor General in Council, who will decide on the continuance or resumption. *Ben* 1795 *R.* 34 § 4.

23. And the recommendation of the Collector for the transfer of a lapsed pension to a proper object. *Ben.* 1795 *R.* 34. § 6.

24. The aggregate of the pensions in Benares is not to be increased except by order of Government. *Ben.* 1795 *R.* 34 § 6.

25. The Zilla Court is to forward to the Governor General in Council, for his orders, the petition of any person deeming himself aggrieved by the Collector of Benares in the distribution of the Bindyabasinee offerings. *Ben.* 1795 *R.* 34 § 7.

26.

26. The commission on rent-free lands resumed for non-registry, shall be paid to the Collector who discovered and reported the omission, unless the Governor General in Council should give the whole or a part to any other Collector. *Beng. Reg.* 1795 *R.* 58. § 2. A. D. 1795

27. And if a permanent settlement be not formed for any resumed rent-free land, it shall be at the option of the Governor General in Council to grant a commission on whatever amount he may deem an equitable summa. *Beng. Reg.* 1795 *R.* 58. § 2. *Ced. Prov.* 1803 *R.* 31. § 8. *R.* 36. § 8.

28. Proceedings of a Collector in the Ceded Provinces, on a claim to a pension not paid during three years antecedent to the cession, shall be submitted to the Board of Revenue for the orders of the Governor General in Council, whatever be the amount. *Ced. Prov.* 1803 *R.* 24. § 5. *C.* 2. A. D. 1803

29. If, on a suit for resuming rent-free land, the Judge, or, if no suit be depending, the Collector, should be of opinion that the resumption of land exceeding ten Bigas appropriated to religious or charitable purposes would be productive of distress, he shall report the circumstances of the case for the consideration of the Governor General in Council. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 7. *Cuttack* 1805 *R.* 12. § 18. *C.* 7.

30. If the proprietor of resumed rent-free land shall not agree to the assessment fixed by the Collector, the case shall be reported by the Collector, through the Board of Revenue, for the information of the Governor General in Council, who will determine on the amount of the assessment. *Ced. Prov.* 1803 *R.* 31. § 5. *C.* 2.

31. No invalid T'hana shall be established hereafter, without the previous sanction of the Governor General in Council. *Beng.* 1804 *R.* 1. § 3. A. D. 1804

32. Any matter, relating to the duties of the Regulating Officer of the invalid T'hanas, which it shall be proper to submit for the information or orders of the Governor General in Council, shall be communicated by the Collector to the Board of Revenue, who shall submit it to the Governor General in Council. *Beng.* 1804 *R.* 1. § 6.

33. Invalids, established on lands the property of Government, shall hold their Jageers on such terms as the Governor General in Council shall prescribe previous to their establishment. *Beng.* 1804 *R.* 1. § 11.

34. The Collector's bill for clearing the land for an invalid T'hana shall be submitted to the Governor General in Council through the Board of Revenue. *Beng.* 1804 *R.* 1. § 20.

A. D. 1804 35. Privates are not eligible to the Jageerdar establishment, except in particular cases to be determined by the Governor General in Council; and when admitted by his authority shall receive twenty Begas, unless grants to a greater extent should be made by his directions. *Beng.* 1804 *R.* 1. § 22. *C.* 3.

A. D. 1805 36. If any rent-free grant shall be made in the Conquered Provinces by other authorities than those stated in the Regulation, a report shall be made to the Governor General in Council, who reserves to himself the power of declaring whether such grants shall be valid or not. *Ced. Prov.* 1805 *R.* 8 § 24 *C.* 3.

37. Pensions in Cuttack, granted by the Berar Government, will descend to heirs, or revert to Government, as shall appear proper on a consideration of the grant; and pensions, held for three years under whatever authority, shall be continued for the lives of the present incumbents, and shall afterwards revert to Government unless reasons shall appear to the Governor General in Council for continuing them to the heirs. *Beng.* 1805 *R.* 12 § 30.

A. D. 1806 38. The Board of Revenue shall report, with their sentiments, any classes of pilgrims (besides those enumerated), who may appear to have been exempted from the tax at Jugunnaut during the Mahratta Government; and the Governor General in Council will give orders for the exemption or otherwise, and may grant temporary or special exemptions deemed proper. *Beng.* 1806 *R.* 4. § 10.

39. The Board of Revenue shall finally decide on all claims to pensions not exceeding fifty Rupees per annum in Bengal &c. and 100 Rupees in the Ceded Provinces. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 2. & 3

40. The Auditor is to be informed of pensions exceeding the specified limitations, which may be authorized by the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 5.

41. All applications for the continuance of such pensions to the heirs and successors of a deceased pensioner, are to be reported by the Board to the Governor General in Council for his orders. *Beng. Ben. Ced. Prov.* 1806 *R.* 22 § 7.

42. Whenever the Board shall think fit to commute a pension of any amount, for grants of waste land, they shall report it with their sentiments, and the draft of a Sunnud; which is to be signed by the Chief Secretary or by the Secretary in the Revenue and Judicial Departments, by order of the Governor General in Council. *Beng. Ben Ced Prov* 1806 *R.* 22. § 11.

43. Who may increase or diminish the quantity of land proposed by the Board; and may also allow a sum of money to the grantee, to bring the land into cultivation. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 12.

IV. *LAND*

IV. *LAND IN GENERAL.*

1. Eſtates, now farmed, may be ſurrendered by the farmer to the proprietor, if the Governor General in Council approve of the transfer. *Beng.* 1793 *R.* 1. § 5. *Ben.* 1795 *R.* 27. § 2. *Ced. Prov* 1803 *R.* 25 § 33. *Conq. Prov.* 1805 *R.* 9. § 23. A. D. 12

2. Actual proprietors of land may transfer their eſtates by ſale, gift, or other alienation, without applying for the ſanction of Government. *Beng.* 1793 *R.* 1. § 9. *Ben.* 1795 *R.* 27. § 6. *Ced. Prov.* 1803 *R.* 25. § 36. *Conq. Prov.* 1805 *R.* 9. § 26.

3. Lands, purchaſed at the Collector's public ſale, by a native officer or private ſervant of the Collector, or of his Aſſiſtant, ſhall be forfeited to Government, on proof to the ſatisfaction of the Governor General in Council. *Beng.* 1793 *R.* 2. § 15. *Ben.* 1795 *R.* 5. § 15. *Ced. Prov.* 1803 *R.* 25. § 14.

4. The Board of Revenue ſhall furniſh the Governor General in Council with required accounts and obſerve all ſpecial orders received from him. 1793 *R.* 2. § 45.

5. And ſhall tranſmit to the Governor General in Council the acknowledgments for places which the Board may be directed to reſtore to foreign nations. 1793 *R.* 2. § 47.

6. And ſhall report to the Governor General in Council all ſubjects requiring his ſanction or ſpecial inſtructions. 1793 *R.* 2 § 51.

7. The proceedings of the Board are to be referred to the Governor General in Council at the inſtance of any member, with a letter ſtating the ſubject and diſtinct propoſitions for his deciſion. 1793 *R.* 2. § 57.

8. All references of the Board to the Governor General in Council are to be accompanied by a letter ſtating the buſineſs, and the Board's opinion; and in caſes of abatements of Jumma, the abatement and propoſed Jumma are to be ſpecified. 1793 *R.* 2. § 60.

9. On the 30th of each month, the Board ſhall ſubmit a complete ſet of the proceedings for the preceding month; and as ſoon afterwards as practicable a ſecond complete ſet for tranſmiſſion to the Court of Directors. 1793 *R.* 2. § 64.

10. And ſhall ſubmit the annual reports and eſtimates of Collectors for the repairs of public embankments, with an opinion whether the work requires the aſſiſtance of a profeſſional perſon. *Beng.* 1793 *R.* 33. § 3. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 3. Re-enacted 1806 R. 6 § 9

11. And on receipt of the orders of the Governor General in Council for that purpoſe, ſhall direct the Collector to commit the execution to a careful officer. *Beng.* 1793 *R.* 33. § 4. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 4. ditto

A. D. 1793 Re-enacted Reg. R. 6 § 5 to 9

12. The Board shall submit the statement and estimate of requisite works furnished by such professional person, if one be employed; and may, in cases of indispensable necessity, authorize the commencement of such works, without waiting the orders of the Governor General in Council. *Beng.* 1793 *R.* 33. § 5. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 5.

13. No European shall purchase, rent, or occupy, any land out of the limits of Calcutta, without the sanction of Government, and may be dispossessed of all land held without such sanction. *Beng.* 1793 *R.* 38. § 3. *Ben.* 1795 *R.* 48. § 3. *Ced. Prov.* 1803 *R.* 19 § 3.

14. Actual proprietors of land may, without the sanction of Government, grant to any person not being an European, a lease for any term or in perpetuity for the erection of dwelling houses or other buildings, or for gardens, offices, &c. appertaining to such buildings. *Beng.* 1793 *R.* 44. § 8. *Ben.* 1795 *R.* 50. § 7. *Ced. Prov.* 1803 *R.* 47. § 8.

15. The Collectors shall report to the Board of Revenue, for the information of the Governor General in Council, every instance of Europeans holding land without authority of Government. *Beng.* 1793 *R.* 38 § 5. *Ben.* 1795 *R.* 48. § 5. *Ced. Prov.* 1803 *R.* 19. § 5.

16. The Board of Revenue shall report to the Governor General in Council, whenever any sale of land is ordered by the Board, in satisfaction of a judgment of a Civil Court. *Beng.* 1793 *R.* 45. § 3. *Ben.* 1795 *R.* 20 § 3. *Ced. Prov.* 1803 *R.* 26. § 17.

17. Fines, imposed by the Board of Revenue on proprietors or farmers of land ordered for sale in satisfaction of a judgment, for omitting to produce required accounts, shall be reported for the confirmation of Government. *Beng.* 1793 *R.* 45. § 10. *Ben.* 1795 *R.* 20. § 10. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

18. And fines for not causing the attendance of Putwaries on the Ameen deputed to attach the lands. *Beng.* 1793 *R.* 45 § 11. *Ben.* 1795 *R.* 20. § 11. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

19. The Governor General in Council will direct all separations and annexations of lands from, and to, different Zillas, to be notified to the Courts of Judicature, from and to whose jurisdiction the lands are separated and annexed. *Beng.* 1793 *R.* 48. § 18. *Ced. Prov.* 1803 *R.* 42. § 18.

20. The Governor General in Council, on report of the Board of Revenue, will impose such fine as may appear proper on any person refusing information required for the

quinquennial

quinquennial register. *Beng.* 1793 *R.* 48. § 25. *Ben.* 1795 *R.* 19. § 23. *Ced. Prov.* 1803 *R.* 42. § 25. A. D. 1795.

21. The forms for the quinquennial registers are to be submitted by the Board for the approbation of the Governor General in Council, and when approved are not to be altered without his sanction; but the Board may suggest to him occasionally any improvements in the forms. *Beng.* 1793 *R.* 48. § 28. *Ben.* 1795 *R.* 19. § 26. *Ced. Prov.* 1803 *R.* 42. § 28.

22. The Collector of revenue in Benares is to correspond with, and obey all orders of, the Governor General in Council. *Ben.* 1795 *R.* 5. § 3. *C.* 2. A. D. 1795

23. He is to correspond immediately with the Governor General in Council on matters relating to complaints by the Malguzars or Rayats of the Raja's own Zemindarees and Jageer. *Ben.* 1795 *R.* 5. § 8.

24. And in case of any such complaint not being settled between the Collector and the Raja, the decision shall depend on the Governor General in Council. *Ben.* 1795 *R.* 15. § 3. *C.* 2.

25. No European is to hold land for indigo in Benares, by lease or sale, without the sanction of Government. *Ben.* 1795 *R.* 33. § 2.

26. Nor rent or hold, directly or indirectly, any land; except ground, not exceednig fifty Beghas, with the sanction of the Governor General in Council; for erecting dwelling houses or buildings for manufactories. *Ben.* 1795 *R.* 33. § 4. *C.* 5.

27. Purchases of land at public sale in any fictitious or substituted name will be liable to confiscation or to such other penalty as the Governor General in Council may think proper to impose. *Beng.* 1799 *R.* 7. § 29. *C.* 3. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 9. A. D. 1799

28. And in case of purchases by the defaulter himself, the circumstances are to be submitted by the Board of Revenue with their opinion for the determination of the Governor General in Council, whose decision is to be final unless the party think proper to prosecute his claim in the Courts of Justice, under Section 46, Regulation 14 of 1793. *Beng.* 1799 *R.* 7. § 29. *C.* 4. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 10.

29. No change in the limits of Pergunnas, or in the Mehals composing them, is to be made without the sanction of the Governor General in Council: and the Board of Revenue shall submit with their opinion any alteration in the boundaries of Pergunnas proposed by a Collector. *Beng. Ben.* 1800 *R.* 8. § 9. *Ced. Prov.* 1803 *R.* 42. § 38. A. D. 1800

A. D. 1800

30. The Civil Courts are to report to the Governor General in Council the explanation, given by a Collector, of any land register not being prepared, and a Collector, on taking charge of his office, is to report to the Board of Revenue, for the information of Government, if the prescribed registers are not duly prepared, with any explanation which he may have received of the omission. *Beng. Ben.* 1800 *R.* 8. § 15. *Ced. Prov.* 1803 *R.* 42. § 26. *C.* 3. *R.* 31. § 37. *R.* 36. § 37.

31. And the Accountant is to report to the Board, for the determination of the Governor General in Council, any unauthorized alteration in the assessment introduced into any register, with any explanation given by the Collector. *Beng. Ben.* 1800 *R.* 8. § 16. *Ced. Prov.* 1803 *R.* 42. § 26. *C.* 2.

32. The Board of Revenue shall submit the necessary establishments of native officers for keeping up the registers, and any additions which may appear indispensable; and such officers are not to be removed without proof of misconduct to the satisfaction of the Governor General in Council. *Beng. Ben.* 1800 *R.* 8. § 18. *Ced. Prov.* 1803 *R.* 42. § 43.

33. The Collectors are to report to the Board, who shall submit it with their sentiments for the determination of Government, every case of a new village being omitted in the statements furnished by proprietors or farmers; who will be liable, if proprietors, to forfeiture of the village, and, if farmers, to a fine in such amount as the Governor General in Council may please to impose. *Beng. Ben.* 1800 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 42. § 40.

34. Persons, omitting to report, or misrepresenting, their succession to an estate, (or guardians of disqualified successors, so offending,) shall be liable to a fine in the discretion of the Governor General in Council, on a report from the Collector through the Board. *Beng. Ben.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42. § 41.

35. The Board of Revenue shall submit to the Governor General in Council a list of the Sudder Canongo records with their sentiments regarding the disposal of them. *Beng.* 1800 *R* 8. § 22.

A. D. 1801

36. A full report is to be made to the Board of Revenue, for the orders of the Governor General in Council, in all cases of doubt respecting the real purchaser, or of suspicion that a purchase of land at public sale has been made in a fictitious name or by the defaulter himself. *Beng. Ben.* 1801 *R.* 1. § 10. *Ced. Prov.* 1803 *R.* 26. § 12.

37. Daily fines, subject to the confirmation of the Governor General in Council, shall, if confirmed by him, commence from the date of the first notification to the party, unless otherwise ordered. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 8. *Ced. Prov.* 1803 *R.* 26. § 51. *C.* 3.

38.

38. The Collectors of Revenue may be sworn before any person authorized by the Governor General in Council to administer the oath. *Ced. Prov.* 1803 *R.* 25. § 2. *Beng. Ben.* 1804 *R.* 5. § 25. A. D. 1803

39. When a Collector in the Ceded Provinces deems it expedient to entrust a Tehsildar with a collection exceeding three Lacs of Rupees, he shall report it to the Board of Revenue, that it may be submitted for the orders of the Governor General in Council. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 3.

40. The collections of large farms may be received immediately into the Treasury of the Collector, and not through the medium of a Tehsildar, if Government, on report of the Board of Revenue, should sanction it. *Ced. Prov.* 1803 *R.* 27. § 53. *C.* 17.

41. The Governor General in Council will determine and direct, whether the oath of Collectors of Revenue shall be taken before one of the Judges of the Supreme Court or before such other person as may be authorized by an order of Government to administer it. *Beng Ben. Ced. Prov.* 1804 *R.* 5. § 25. A. D. 1804

42. The charge of the public embankments shall be intrusted to Committees consisting of such local public officers as the Governor General in Council may nominate. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 3. A. D. 1806

43. Or, where committees cannot be formed, to such persons as the Governor General in Council may nominate. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 9.

44. The Committee shall furnish Government, as soon as practicable after the rains in each year, with an estimate of the expense required for the necessary repairs. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 5. *C.* 1.

45. And shall submit, with the estimate, any suggestions deemed necessary. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 5. *C.* 5.

46. And the report and suggestions of the members deputed to examine in person the state of the embankments. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 10.

47. The reason of the absence of any Member of the Committee shall be reported to the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 5. *C.* 6.

48. The annual accounts shall be prepared by such Member of the Committee, as the Governor General in Council may direct. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 6.

49. And shall be submitted to Government through the Civil Auditor, with his observations. *Beng. Ben. Ced. Prov.* 1806 *R* 6. § 8.

A. D. 1806 50. An estimate of the repairs of private embankments, and the accounts of such repairs, shall be submitted to the Governor General in Council, if the party bound to make them should neglect to do it; and the expense, when sanctioned by Government, shall be recovered from the party. *Beng. Ben. Ced. Prov.* 1805 *R.* 6. § 11.

V. SETTLEMENT OF LAND REVENUE.

A. D. 1793 1. In case of an estate now farmed or held Khas being sold in execution of a decree, it will be disposed of at such assessment as the Governor General in Council may deem equitable. *Beng.* 1793 *R.* 1. § 11. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 1. *Conq. Prov.* 1805 *R.* 9. § 28. *C.* 1.

2. If the Board of Revenue deem a deputation necessary for making the settlement of Khas lands, the reasons shall be reported to Government. *Beng.* 1793 *R.* 2. § 39. *Ben.* 1795 *R.* 5. § 32.

3. Deputations ordered by the Board are to be immediately reported to the Governor General in Council, with the grounds of the measure. 1793 *R.* 2 § 32.

4. The Board shall issue orders for making the settlement of Khas lands, in conformity to any special instructions of the Governor General in Council. *Beng.* 1793 *R.* 2. § 36. *Ben.* 1795 *R.* 5. § 30.

5. The Board may issue the Bundobustee Purwanas on the conclusion of a settlement, without applying for the sanction of Government. *Beng.* 1793 *R.* 2. § 40.

6. No remissions of revenue are to be granted without the sanction of the Governor General in Council. 1793 *R.* 2. § 38.

7. Nor remissions of balances. 1793 *R.* 2. § 43.

8. The Board are to report all temporary suspensions of revenue with their reasons for the measure. 1793 *R.* 2 § 42.

9. Advances of Tuccavee, authorized by the Board, are to be reported to the Governor General in Council, whose sanction must be previously obtained for advances beyond five per cent on the Jumma. *Beng.* 1793 *R.* 2. § 44. *Ben.* 1795 *R* 5. § 36.

10. The Board are prohibited, without the previous sanction of Government, from farming land to an European, or accepting the security of an European for any farmer of land, or confirming any grant of land, or any succession to land, or continuing the pension of any deceased pensioner, or making any new general rule. 1793 *R.* 2. § 46.

11.

11. The Settlement Officer to be dealt with [illegible] the Governor General in Council may deem incompetent on account of contumacy or extreme profligacy of character. *Beng.* 1793 *R.* 8. § 20.

12. No abatement from the Jumma of a preceding year is to be allowed in Bengal, without the special sanction of the Governor General in Council. *Beng.* 1793 *R.* 8. § 8.

13. Nor in Behar. *Beng.* 1793 *R.* 8. § 85.

14. Nor in Midnapoor until confirmed by the Governor General in Council. *Beng.* 1793 *R.* 8. § 92.

15. The Governor General in Council will take into consideration, any case, in which a larger provision for the Zemindar, than ten per cent, shall be deemed necessary in small Zemindaries. *Beng.* 1793 *R.* 8. § 77.

16. The salt districts are to continue Khas, until the Governor General in Council shall think proper to pass a Regulation to the contrary. *Beng.* 1793 *R.* 8. § 100.

17. When the Court of Wards take charge of an estate in consequence of the proprietor being a female, they shall report it to the Governor General in Council, who may declare any such female competent to the charge of her own estate. *Beng.* 1793 *R.* 10. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 52 § 9. *C.* 1.

18. Or if they invest such female with the management of her estate, they shall report to the Governor General in Council the grounds on which they deem her qualified. *Beng.* 1793 *R.* 50. § 3. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 3.

19. And when they take charge of an estate in consequence of the proprietor being an undoubted minor, they shall similarly report it to Government; but when minority is disputed, the Sudder Dewannee Adaulut shall report their decision thereon to the Governor General in Council, who will order the estate to be placed under charge of the Court of Wards or not, according as the Sudder Dewannee Adaulut may adjudge. *Beng.* 1793 *R.* 10. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 2.

20. In cases of alleged lunacy &c. the Sudder Dewannee Adaulut are similarly to report their decision to the Governor General in Council, who will order the estate to be placed under charge of the Court of Wards or not, according as the Sudder Dewannee Adaulut may adjudge. *Beng.* 1793 *R.* 10. § 5. *C.* 3. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 3.

21. Also in cases of alleged contumacy or profligacy. *Beng.* 1793 *R.* 10. § 5. *C.* 4. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 4. Rescinded 1796 *R.* 7 § 9.

22.

A. D. 1793

22. In cases of restoration to sanity. *Beng.* 1793 *R.* 10. § 5. *C.* 5. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 5.

23. And in cases of alleged removal of any ground of disqualification. *Beng.* 1793 *R.* 10. § 5. *C.* 6. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 6.

24. No increase is to be admitted in the allowance to disqualified landholders except by dispensation from the Governor General in Council in any particular case requiring it. *Beng.* 1793 *R.* 10. § 13. *Ced. Prov.* 1803 *R.* 52. § 17.

25. The Board of Revenue, on authorizing the union of two estates fallen to one proprietor, are to report it to the Governor General in Council, who may disallow the union in cases where it may appear to him unadvisable. *Beng.* 1793 *R.* 25. § 6. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 34.

26. The proprietors of an estate under division are liable to such daily fine till compliance, as the Governor General in Council may judge proper to impose, for refusal to furnish required accounts. *Beng.* 1793 *R.* 25. § 16. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 45.

Modified 1801 R. 1 § 13 C. 5

27. The Board of Revenue, on confirming or altering the division of an estate and the allotment of the Jumma, are to report their determination to the Governor General in Council. *Beng.* 1793 *R.* 25. § 19. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 48. *C.* 2.

ditto § 13 C. 6

28. The determination of the Board, on the paper of partition of such estate, may be appealed in six weeks to the Governor General in Council, whose decision shall be final. *Beng.* 1793 *R.* 25. § 20. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* (in one month) 1803 *R.* 26. § 49.

29. The Governor General in Council will order a new allotment of Jumma on such partition, if it be proved to his satisfaction within three years, that the Jumma was fraudulently or erroneously apportioned. *Beng.* 1793 *R.* 25. § 25. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 55.

A. D. 1795

30. The orders of the Governor General in Council will be issued through the Board of Revenue, for affording such relief, as may appear necessary, in cases of devastation by rivers in Benares. *Ben.* 1795 *R.* 5. § 35.

31. No Pottahs in Benares are to be valid, unless in such form as the Collector, with the sanction of the Governor General in Council, may prescribe. *Ben.* 1795 *R.* 51. § 6.

32. The Governor General in Council may confirm [illegible] A. D. 1796
Wards an estate which may have descended to the [illegible] proprietor by regular inheritance, or any other land belonging to a disqualified proprietor. *Beng.* 1796 *R.* 2 § 2. *Cod. Prov.* 1803 *R.* 52. § 7.

33. The Governor General in Council reserves to himself the power of determining whether the Regulation for exempting from disqualification landholders for the crimes of contumacy or profligacy, shall be applied retrospectively, and the Revenue Board shall submit to him a report of any case of this nature with all necessary information. *Beng.* 1796 *R.* 7. § 4.

34. The Board of Revenue are not to grant any ultimate remission on the permanent assessment, without the sanction of the Governor General in Council. *Beng.* 1799 *R.* 7. § 23. *C.* 7. A. D. 1799

35. If a purchaser of land at public sale shall, within one year from the date of his purchase, establish to the satisfaction of the Governor General in Council, through the Collector and Board of Revenue, that the accounts, on which the assessment of his purchase was adjusted, were false or erroneous, the Governor General in Council will cause a new assessment to be made: a report of all such claims deemed admissible by the Board of Revenue is to be made for the final decision of Government: but, if the Board deem the claimant not entitled to any alteration in the assessment, they shall decide on his claim, leaving him to appeal to the Governor General in Council: and no such claim on account of past sales shall be attended to, unless, in particular cases, it should be thought proper to order otherwise, nor will any claim be admitted, which is not preferred within one year. *Beng.* 1799 *R.* 7. § 29. *C.* 2 ext. *Bin.* 1800 *R* 5. § 26. *Cod. Prov.* 1803 *R.* 26. § 6. *C.* 1.

36. All new allotments of the assessment under Section 25, Regulation [illegible] of 1793, are not to be deemed conclusive till approved by the Governor General in Council, in the event of any reduction of the fixed assessment. *Beng. Ben.* 1801 *R.* 1. § 12. *Cod. Prov.* 1803 *R.* 26. § 60. A. D. 1801

37. The Board of Revenue need not report to the Governor General in Council their determination on the partition of an estate, except in cases of [illegible] or reduction of the fixed assessment. *Beng. Beng.* 1801 *R.* 1. § 13. *C.* 5. *Cod. Prov.* 1803 *R.* 26 § 48. *C.* 2.

38. The claimant shall be put into possession notwithstanding an appeal to the Governor General in Council, subject to such alterations in the [illegible] may be ordered by the final decision. *Bin. Reg.* 1801 *R.* 1. § 13. *C.* 5.

A. D. 1801 39. The appeal to the Governor General in Council from the Board's decision on the partition of an estate is limited to one month. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 6. *Ced. Prov.* 1803 *R.* 26. § 51. *C.* 1.

40. The Governor General in Council will fine such appellants if deemed litigious. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 7. *Ced. Prov.* 1803 *R.* 26. § 51. *C.* 2.

41. And any sharer impeding the division. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 8. *Ced. Prov.* 1803 *R.* 26. § 51. *C.* 3.

A. D. 1805 42. The Governor General in Council reserves to himself the power of authorizing the conclusion of a settlement of the lands of landholders and farmers, who shall decline to renew for the ensuing triennial settlement, with any other persons. *Ced. Prov.* 1805 *R.* 5. § 6.

43. No settlement in the Ceded Provinces shall be deemed final, until it have received the final sanction of the Governor General in Council. *Ced. Prov.* 1805 *R.* 8. § 18. *C.* 3.

44. Nor in the Conquered Provinces and Bundelkhund. *Ced. Prov.* 1805 *R.* 9. § 3.

VI. *RECOVERY OF ARREARS OF REVENUE.*

A. D. 1793 1. The establishment of an Ameen deputed to attach the lands of a defaulting landholder or farmer, proposed by the Collector, is to be submitted by the Board of Revenue to the Governor General in Council, with a recommendation, that it be confirmed or altered. *Beng.* 1793 *R.* 14. § 6.

2. And the lands of the sureties of defaulting proprietors and farmers. *Beng.* 1793 *R.* 14. § 24.

Modified 1799 R. 7 § 23 C. 1 Ben. 1800 § § 91 3. The Board is not to order interest to be charged on an arrear of revenue, until the case have been reported to the Governor General in Council, and his sanction received. *Beng.* 1793 *R.* 14. § 7.

4. Application is to be made to the Governor General in Council for his sanction to the sale of the lands belonging to a defaulter's surety during the year, or after its close, as may be deemed advisable. *Beng.* 1793 *R.* 14. § 24. *Ben.* 1795 *R.* 6. § 30. *Ced. Prov.* 1803 *R.* 27. § 39. *C.* 3.

Re-enacted 1794 R. 8 § 5 5. Any arrear, due at the end of the year from a proprietor not in confinement, is to be reported by the Board to the Governor General in Council, with the recommendation of the sale of a sufficient portion of the estate. *Beng.* 1793 *R.* 14. § 13.

Cite 6. And the same for any arrears from a confined proprietor. *Beng.* 1793 *R.* 14. § 22.

7. No land is to be sold for arrears of revenue without the sanction of Government. *Beng.* 1793 *R.* 14. § 13. *Ben.* 1795 *R.* 6. § 19. *Ced. Prov.* 1803 *R.* 26. § 14. *R.* 27. § 19

8 The Governor General in Council may order the sale of any defaulter's lands at any time previous to the close of the year, should he not have given security to dispute the demand: on such security being given by any landholder whose lands have been ordered for sale, it is to be immediately reported by the Board. *Beng.* 1793 *R.* 14. § 22. *Ben.* 1795 *R* 6 § 29. *Ced. Prov.* 1803 *R.* 27. § 29.

9. If an arrear be due from a farmer of land at the end of the year, it shall be optional with the Governor General in Council to cancel the lease from the commencement of the next year, or to compel him and his surety to perform their engagements till the expiration of the lease. *Beng.* 1793 *R.* 14 § 23. Re enacted 1799 R. 7 § 13 C. 6

10 Lands for the recovery of revenue arrears are to be sold by the Collector, or at Calcutta by the Board, according as the Governor General in Council may direct. *Beng* 1793 *R* 14 § 26. *Ben.* 1795 *R.* 6. § 32. *Ced Prov.* 1803 *R.* 26. § 5.

11 The Board of Revenue shall submit the case of any defaulting purchaser of land who resides in Calcutta; and the Governor General in Council will order him to be apprehended and conveyed to the Zilla jail, or adopt such other measures as may appear proper. *Beng* 1793 *R.* 14. § 45.

12 The Board of Revenue, instead of deferring till receipt of the sanction of the Governor General in Council the advertisement for the sale of land for recovery of revenue arrears, shall direct the advertisement to be made, reporting the arrears, the lands ordered for sale, their Jumma, and the place of sale: but the sale is not to take place till the Governor General in Council shall have sanctioned it. *Beng.* 1794 *R.* 3. § 5. A. D. 1794

13. The Board of Revenue shall report the circumstances, for the information of the Governor General in Council, whenever a proprietor of land is confined in consequence of the sale of his property not being sufficient to make good the arrear. *Beng.* 1794 *R.* 3. § 14.

14. The Board of Revenue may, if the Governor General in Council approve the measure, authorize the transfer of a defaulting landholder's rights to such of the Putteedars as shall be able to pay the balance due to Government. *Ben.* 1795 *R.* 6. § 17. *C.* 1 *Ced. Prov.* 1803 *R.* 27. § 17. *C.* 1. A. D. 1795

15 Or continue the defaulter in possession, on his engaging to pay the balance; or sequester the ensuing year's profits to the use of Government. *Ben.* 1795 *R.* 6. § 17 *C.* 2. *Ced. Prov.* 1803 *R.* 27. § 17. *C.* 2.

16.

A. D. 1795 16. And may, in extraordinary instances of embezzlement, recommend to the Governor General in Council the sale of the defaulter's real and personal property. *Ben.* 1795 *R.* 6. § 17. *C.* 5. *Ced. Prov.* 1803 *R.* 27. § 17. *C.* 5.

17. And the sale of a defaulting farmer's property. *Ben.* 1795 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 27. § 18. *C.* 4.

A. D. 1799 18. The Board of Revenue need not wait the sanction of the Governor General in Council to levy interest on revenue defaults. *Beng.* 1799 *R.* 7. § 23. *C.* 1. *Ben.* 1800 *R.* 5. § 21. *Ced. Prov.* 1803 *R.* 27. § 12.

19. Landholders or farmers, neglecting to produce required accounts of attached lands, on receiving a written requisition from the Collector, shall be liable to such fine, as the Board of Revenue, with the sanction of the Governor General in Council, may impose; and to imprisonment by order of the Governor General in Council. *Beng.* 1799 *R.* 7. § 23. *C.* 4. *Ben.* 1800 *R.* 5. § 25. *Ced. Prov.* 1803 *R.* 27. § 15. *C.* 4.

20. If any arrear of revenue remain due from a farmer at the close of the year, it will be at the option of the Governor General in Council to cancel the lease or to compel the defaulter or his surety to perform the conditions of the lease till it expire. *Beng.* 1799 *R.* 7. § 23. *C.* 6.

21. The Governor General in Council may order a sale of land or other property, for recovery of revenue arrears, within the year. *Beng.* 1799 *R.* 7 § 23. *C* 8.

A. D. 1800 23. The Governor General in Council reserves to himself a general discretion of ordering a sale of land in Benares for the recovery of arrears of revenue. *Ben.* 1800 *R.* 5. § 26.

A. D. 1801 24. The Board of Revenue, in their report on the Towjee accounts of the Collectors, are to notice their attention or otherwise to the duty of informing themselves of the real cause of all revenue arrears. *Beng. Ben.* 1801 *R.* 1. § 2.

25. The Governor General in Council will order the immediate sale of a defaulter's land and other property, if it shall appear to his satisfaction, from the report of the Collectors and Board, that the prescribed requisition for papers relating to attached lands has been issued and not complied with. *Beng. Ben.* 1801 *R.* 1. § 3.

26. And the sale of the whole [illegible], on [illegible] proof of non-compliance with the requisition for papers towards [illegible] portion ordered for sale, but, if the papers be produced before the day of sale, the Governor General in Council will impose such fine,

as he may deem proper, on the determination. *Beng. Reg.* 1793 *R.* 2. § 3. *Ced. Prov.* 1803 *R.* 26. § 4.

27. No fractional portion of an estate to be held in zemindary shall be sold for the recovery of arrears, without the express sanction of the Governor General in Council. *Beng. Reg.* 1803 *R.* 2. § 11. *Ced. Prov.* 1803 *R.* 26. § 13.

VII. SAYER, STAMPS, ABCAREE, AND STONE QUARRIES.

1. If the assessment of the Police tax in any Pergunnah should become disproportionate to the extent of the commercial dealings in it, the Collector is to report the circumstance to the Governor General in Council, and suggest some other rule for making the assessment. *Beng.* 1793 *R.* 23. § 35. A. D. 1793 Regulation 1797 *R.* 6. § 6. *C.* 1

2. The Collectors are to correspond with the Governor General in Council on all matters relating to the Police tax till the expiration of the current year (1793). *Beng.* 1793 *R.* 23. § 39. Ditto

3. The Board of Revenue shall forward the Collector's proceedings, with their opinion, on claims to compensation for the abolished Sayer; and the Governor General in Council will determine on the right of the parties and the mode of making the compensation. *Beng.* 1793 *R.* 27. § 2. *C.* 11. *Ced. Prov.* *R.* 38. § 18.

4. The determination on claims to such compensation is reserved to the Collectors and Board of Revenue, subject to the final confirmation of Government. *Beng.* 1793 *R.* 27. § 12. *Ced. Prov.* 1803 *R.* 38. § 18.

5. Decisions of the Board of Revenue, upon claims to compensation on account of the Abcaree duties, are to be submitted for the confirmation of the Governor General in Council. *Beng.* 1793 *R.* 34. § 3. *Ben.* 1793 *R.* 47. § 3. *Ced. Prov.* 1803 *R.* 40. § 3.

6. The Superintendent of stamps is to take a prescribed oath before the Governor General in Council, or any person commissioned by him. *Beng. Ben.* 1797 *R.* 6. § 13. A. D. 1797

7. The Governor General in Council reserves to himself the power of varying the shape and marks of the stamps, and the size and description of stamp paper, as often as he may judge proper. *Beng. Ben.* 1797 *R.* 6. § 15. *C.* 1.

8. The paper to be stamped is to be procured in such manner as the Board of Revenue, with the sanction of the Governor General in Council, shall from time to time direct. *Beng. Ben.* 1797 *R.* 6. § 15. *C.* 2.

A. D. 1797

9. The Board shall submit samples for stamping law papers to the Governor General in Council, who will determine on the size and description of paper for the several stamps. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 3.

10. And samples for revenue papers. *Beng. Ben.* 1797 *R.* 6. § 20. *C.* 3.

11. And for money obligations. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 4.

12. And Abcaree licenses. *Beng. Ben.* 1797 *R.* 10. § 2.

13. The Sudder Dewanny Adaulut shall similarly submit samples of paper for stampt pleadings. *Beng. Ben.* 1797 *R.* 6. § 17. *C.* 7.

14. And for judicial papers. *Beng. Ben.* 1797 *R.* 6. § 18. *C.* 3.

15. And for Summonds to Cazees and Vakeels. *Beng. Ben.* 1797 *R.* 6. § 25. *C.* 1.

16. The Board of Trade shall submit samples of stampt paper for Custom-house Ruwanas. *Beng. Ben.* 1797 *R.* 6. § 24. *C.* 3.

17. And the Nizamut Adaulut, samples of stampt paper for criminal complaints. *Beng. Ben.* 1797 *R.* 10. § 6.

18. The Courts of Judicature and Collectors are required to report to the Governor General in Council whenever any unstampt law paper is produced to them, that the Cazee or Müftee, who attested it, may be dismissed from office. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 6.

19. And whenever any unstampt copy of a judicial paper is produced. *Beng. Ben.* 1797 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 15. *C.* 3.

20. And all public officers, to whom any unstampt Ruwanas may be produced, are required to report the same to the Board of Trade, for the information of Government; and the officer, who signed it, if a covenanted servant of the Company, shall be liable to dismission on proof to the satisfaction of the Governor General in Council. *Beng. Ben.* 1797 *R.* 6. § 24. *C.* 4.

21. The Governor General in Council, reserves to himself the power of increasing or modifying the rates of duty on stills; and the Board of Revenue shall submit to him propositions for any alteration deemed advisable. *Beng. Ben.* 1797 *R.* 7. § 4. *Ced. Prov.* 1803 *R.* 40. § 6. *C.* 1.

A. D. 1797

22. The allowances [illegible] the quarries in Benares and to be fixed by the Collector [illegible] the Governor General in Council to be obtained through the Board of Revenue. *Regulation R.* 2. § 10.

23. The Governor General in Council may, on [illegible] power of increasing or reducing the duties on the quarries, and of making further rules respecting the quarries as may appear expedient. *Ben.* 1800 R. [illegible]

24. And the power of increasing or reducing the tax on intoxicating drugs, and the Board of Revenue are to submit to the Governor General in Council their sentiments on any proposition of a Collector on this subject. *Beng. Ben.* 1800 R. 6. § 3. *Ced. Prov.* 1803 R. 40. § 15.

25. The size of the paper for stamping licenses for the sale of drugs shall be determined by the Board of Revenue with the direction of the Governor General in Council. *Beng. Ben.* 1800 R. 6. § 6. *Ced. Prov.* 1803 R. 40. § 16. C. 1.

26. And licenses for the sale of Tareo. *Beng. Ben.* 1800 R. 6. § 12.

27. The Board of Revenue shall submit for the sanction of Government a form of license for distilleries worked by Europeans or their dependents. *Beng. Ben.* 1800 R. 6. § 33.

28. And shall forward, with their opinion, samples of any other size of paper, which the Collectors may report to be necessary for stamping money obligations; and the Governor General in Council will order them to be stamped if it appear necessary. *Beng. Ben.* 1800 R. 7. § 3. C. 3.

29. And of any other size of paper reported necessary for stamping law deeds. *Beng. Ben.* 1800 R. 6. § 5. C. 3.

30. And samples of paper for stamping money receipts. *Beng. Ben.* 1800 R. 6. § 4. C. 2.

31. Stampt paper need not be used for copies of papers transmitted by the Courts of Judicature to the Governor General in Council. *Beng. Ben.* 1800 R. 7. § 18. *Ced. Prov.* 1803 R. 43. § 15. C. 4.

32. Nor for copies of revenue papers transmitted to him. *Beng. Ben.* 1800 R. 7. § 25.

VIII. CIVIL COURTS.

1. The Judges of the Zilla and City Courts are to take a prescribed oath before the Governor General in Council, or any person whom he may commission. *Beng.* 1793 R. 3. § 2. *Ben.* 1795 R. 4. § 3. *Ced. Prov.* 1803 R. 2. § 13. *A. D.* 1790

2. Also the Judges of the Provincial Courts of Appeal. *Beng.* 1793 R. 5. § 2. *Ben.* 1795 R. 9. § 2. *Ced. Prov.* 1803 R. 4. § 12.

A. D. 1793 3. The Zilla and City Magistrates. *Beng.* 1793 *R.* 9. § 2. *Ben.* 1795 *R.* 16. § 2. *Ced. Prov.* 1803 *R.* 8. § 2.

4. And the Judges of the Courts of Circuit. *Beng.* 1793 *R.* 9 § 34. *Ben.* 1795 *R.* 18. § 7. *Ced. Prov* 1803 *R.* 7. § 5.

5 The Provincial Courts of Appeal may try in the first instance any civil suit referred to them for that purpose by the Governor General in Council. *Beng* 1793 *R.* 5. § 6. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 6.

6. The Sudder Dewannee Adaulut are to notify, within ten days, to the Governor General in Council, whenever they suspend a Zilla or City Judge for disobedience or false return to a Provincial Court of Appeal, and are to certify all the proceedings on the case, and transmit, on his requisition, any further proceedings deemed necessary. *Beng.* 1793 *R.* 5 § 15. ext *Ben.* 1795 *R.* 9. § 6 *Ced Prov.* 1803 *R* 4 § 15

7. And when they suspend a Judge of a Provincial Court of Appeal or of a Zilla or City Court, for disobedience and false return to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 13. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R* 5 § 13.

Modified 1801 *R* 2 § 3 8. The Sudder Dewannee Adaulut is to consist of the Governor General and the other Members of the Supreme Council 1803 *R.* 6 § 2.

ditto § 10 9. And the Nizamut Adaulut 1793 *R* 9 § 67.

10. The Registers to Civil Courts, and their Assistants, and all ministerial officers of the Courts, being covenanted servants of the Company, are to be appointed by the Governor General in Council. *Beng.* 1793 *R.* 13 § 3. *C.* 1 ext *Ben* 1795 *R* 12 § 2. *Ced Prov* 1803 *R* 12. § 3. *C.* 1.

11. Registers of Zilla and City Courts are not to exercise the powers of Judge during his absence, indisposition or vacancy, without the express sanction of the Governor General in Council. 1793 *R.* 13 § 7. ext *Ben.* 1795 *R.* 12. § 2 *Ced. Prov* 1803 *R.* 12. § 16.

12. On 1st January and 1st July of each year, the Sudder Dewannee Adaulut shall submit to the Governor General in Council, for transmission to the Court of Directors, an abstract register of the causes decided in the preceding six months. *Beng.* 1793 *R.* 18. § 18. ext. *Ben* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 16.

A. D. 1795 13. The local jurisdiction of the Courts in Bengal is subject to such alteration as the Governor General in Council may deem expedient. *Ben.* 1795 *Reg.* § 4. *C.* 6.

14. The limits of Zillas Hooghly and Burdwan are to be ascertained by the Governor General in Council. *Beng.* 1795 *R.* 26. § 1. A. D. 1795

15. Zilla and City Judges and Magistrates are to apply for leave of absence to the Governor General in Council, and are not to leave their station, except in emergent indisposition, until his permission be obtained. *Beng. Ben.* 1796 *R.* 4. § 2. *Ced. Prov.* 1803 *R.* 2. § 23. *C.* 1. A. D. 1796

16. In granting such permission, he will determine whether to delegate the authority to the Assistant on the spot, or to make other provision for the duties of the station; and will cause notice of his determination to be communicated to the Judge and Magistrate, to the person appointed, to the Sudder Dewannee and Nizamut Adauluts, and to the Provincial Courts of Appeal and Circuit. *Beng. Ben.* 1796 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 2. § 23. *C.* 2.

17. Judges and Magistrates are to report to the Governor General in Council, their departure from, and return to, the station. *Beng. Ben.* 1796 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 2. § 23. *C.* 3.

18. If the office of Judge and Magistrate devolve to the Register or Assistant on the spot by casualty, an immediate report shall be made to the Governor General in Council for his orders. *Beng. Ben.* 1796 *R.* 4. § 5. *Ced. Prov.* 1803 *R.* 12. § 15.

19. The boundaries of Zillas Jelalpoor and Bakergunj shall be determined by the Governor General in Council. *Beng. Ben.* 1797 *R.* 7. § 2. A. D. 1797

20. Who will, in his discretion, remove the station of the Jelalpoor Court to some station to be hereafter determined on. *Beng.* 1797 *R.* 7. § 3.

21. The Sudder Dewannee Adaulut is to transmit to the Governor General in Council, for the purpose of being forwarded to the King in Council, by the first secure and separate conveyances, two copies translated into English of all proceedings in causes appealed to the King in Council. *Beng. Ben.* 1797 *R.* 16. § 5. *Ced. Prov.* 1803 *R.* 5. § 34.

22. Any British born subject, not a servant of the King or Company, residing in Silhet, who shall refuse to execute a bond making himself amenable to the Court in suits of any amount brought by the hill people, is to be reported by the Judge to the Governor General in Council, who will order the party to be sent to Calcutta. *Beng.* 1799 *R.* 1. § 7. A. D. 1799

23. Should no claim to the personal property of any person dying intestate be preferred within twelve months, an inventory of the property and report of the case are to be transmitted

A. D. 1799 transmitted by the Judge of the Zilla or city to the Governor General in Council for his orders. *Beng. Ben.* 1799 *R.* 5. § 7. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 7.

A. D. 1801 Modified 1803 R. 10 § 8 24. The Chief Judge of the Sudder Dewannee Adaulut is to be a Member of the Supreme Council, other than the Governor General or Commander in Chief, selected by the Governor General in Council; and the Puisne Judges are to be appointed from among the civil servants of the Company not being Members of the Supreme Council. 1801 *R.* 2. § 3.

ditto 25. Likewise the Chief Judge and Puisne Judges of the Nizamut Adaulut. 1801 *R.* 2. § 10.

26. The Judges of the Sudder Dewannee Adaulut are to take a prescribed oath before the Governor General in Council. 1801 *R.* 2. § 4.

27. And the Judges of the Nizamut Adaulut. 1801 *R.* 2. § 11.

28. The Judges of Appeal and Circuit are to apply to the Governor General in Council for leave of absence, and not to quit their station, except in emergent indisposition, till receipt of such permission; and the Sudder Dewannee and Nizamut Adauluts will be previously consulted whether the leave can be conveniently granted. *Beng. Ben.* 1801 *R.* 2. § 15. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 7.

29. On reports of negligence or misconduct in Zilla and City Judges, and in the Registers and Assistants of the Civil Courts, the Sudder Dewannee Adaulut shall, if the case require the notice of the Governor General in Council, report it to him with all the proceedings; and shall report all instances of neglect of duty, or aggravated misconduct, in any servant of the Company employed in the Civil Courts, whether reported to the Court, or otherwise appearing from any proceeding before the Court. *Beng. Ben.* 1801 *R.* 2. § 7. *Ced. Prov.* 1803 *R.* 5. § 38.

30. And the Nizamut Adaulut, on reports of negligence in Zilla and City Magistrates, and in the Registers and Assistants of the Criminal Courts, and in any instance of neglect of duty in any servants of the Company employed in the Criminal Courts. *Beng. Ben.* 1801 *R.* 2. § 14. *Ced. Prov.* 1803 *R.* 8. § 24.

31. The Nizamut Adaulut is vested with the same authority as the Sudder Dewannee Adaulut, to suspend the Judges of the Courts of Circuit, and Zilla or City Magistrates, for disobedience or false returns to the processes of the Court, and Zilla or City Magistrates for false returns or disobedience to the processes of a Court of Circuit; reporting to the Governor General in Council. *Beng. Ben.* 1803 *R.* 2. § 14. *Ced. Prov.* 1803 *R.* 8. § 24.

32.

32. The proceedings of the Sudder Dewannee and Nizamut Adaluts, will not be required by the Governor General in Council, except in cases of appeal to the King in Council or of reference to the Governor General in Council. 1801 *R.* 2. § 16. A. D. 1801

33. The Judges of the Dacca Court of Appeal are to report, for the sanction of the Governor General in Council, the expense of any additional native officers required for the second Court of Appeal. *Beng.* 1802 *R.* 4. § 3. A. D. 1802

34. If doubts be entertained whether a suit be cognizable in the Ceded Provinces, the Court shall state the case to the Provincial Court of Appeal, who shall report it to the Sudder Dewannee Adaulut, and this Court to the Governor General in Council; and the Courts shall abide by his orders. *Ced. Prov.* 1803 *R.* 2. § 18. *C.* 2. *Cuttack* 1805 *R.* 14. § 7. A. D. 1803

35. The Nizamut Adaulut is to furnish translations and attested copies of its proceedings in cases of reference to the Governor General in Council. *Ced. Prov.* 1803 *R.* 8. § 6.

36. The Governor General in Council, at the recommendation of the Sudder Dewannee Adaulut, will appoint an Assistant Judge in any Zilla or City where it shall appear expedient. *Beng. Ben.* 1803 *R.* 49. § 2. *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 12. *C.* 1.

37. Any additional establishments required for an Assistant Judge will be provided for by the Governor General in Council. *Beng. Ben.* 1803 *R.* 49. § 2. *C.* 4. *Ced. Prov.* 1805 *R.* 8. § 12. *C.* 4.

38. The Sudder Dewannee Adaulut shall report to the Governor General in Council, whenever they deem the appointment of an Assistant Judge necessary in any Zilla or city, and whenever the appointment may appear no longer necessary. *Beng. Ben.* 1803 *R.* 49. § 4. *Ced. Prov.* 1805 *R.* 8. § 12. *C.* 9.

39. The Governor General in Council, will determine whether to delegate the powers of Judge and Magistrate to the Assistant Judge during the absence of the Judge; and the Assistant Judge, if senior to the Register, shall in case of casualty take charge of the office of Judge and Magistrate, reporting it for the orders of Government on the case. *Beng. Ben.* 1803 *R.* 49. § 5. *Ced. Prov.* 1805 *R.* 8. § 12. *C.* 10.

40. The Governor General in Council on the representation of the Zilla and City Judges, and the recommendation of the Sudder Dewannee Adaulut, will sanction any requisite addition to the allowances of head Commissioners of lawsuits. *Beng. Ben.* 1803 *R.* 49. § 11. *C.* 1. *Ced. Prov.* 1803 *R.* 43. § 3. *C.* 5.

A. D. 1804 41. The Governor General in Council may, by an order of Council, make any alterations deemed advisable in the limits of the Zillas of the Conquered Provinces, and annexations to or separations from them, or form additional Zillas. *Ced. Prov.* 1804 *R.* 9. § 8. 1805 *R.* 8 § 3. *C.* 2.

A. D. 1805 42. The Sudder Dewannee Adaulut shall try all appeals from decisions of the Courts at Chandernagore and Chinsura which may be referred by order of the Governor General in Council for the investigation of the Court. *Beng.* 1805 *R.* 1. § 3.

43. And shall proceed on all petitions, referred to that Court by order of the Governor General in Council, relative to causes or judicial matters pending or decided in the Courts at Chandernagore and Chinsura. *Beng.* 1805 *R.* 11 § 5. *C.* 2.

44. A Register, not authorized by the Governor General in Council to act as Judge, shall not try appeals from the decisions of Native Commissioners, unless he receive special authority for this purpose. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 14. *C.* 3.

45. The Chief Judge of the Sudder Dewannee Adaulut and Nizamut Adaulut, shall be selected by the Governor General in Council from among the civil covenanted servants of the Company, not being Members of the Supreme Council. 1805 *R.* 10 § 2.

46. The Governor General in Council may at any time, by an order of Council, make any alteration in the boundaries of the Zillas of Midnapoor and Cuttack. *Beng.* 1805 *R.* 13. § 3.

47. The civil jurisdiction in the Jungul Mehals is subject to any alterations which the Governor General in Council may at any time direct. *Beng.* 1805 *R.* 18. § 9.

48. And he may, by an order in Council, constitute the Jungul Mehals into a distinct Zilla of civil as well as criminal jurisdiction, and vest the Magistrate with the office of Judge. *Beng.* 1805 *R.* 18. § 10.

A. D. 1806 49. The Mehals composing Zilla Moorshedabad shall be annexed to the city of Moorshedabad and to the Zilla Birbhoom, according as the Governor General in Council may direct. *Beng.* 1806 *R.* 1. § 2.

IX. PUBLIC SUITS.

A. D. 1793 Modified 1806 *R.* 8 § 3 1. If any person, not a British subject, should deem himself aggrieved under a Regulation by any act done pursuant to a special order originating with the Governor General in Council, or Boards of Revenue and Trade, his petition for redress is to be forwarded by the Judge to whom it shall have been presented, to the Governor General in Council;

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who, if he shall not think proper to afford the redress solicited, will direct the Court to proceed to the trial of the cause; and the officer, by whom the act complained against may have been done, shall carry on the suit under the directions of the Governor General in Council if the order originated from him, and submit to him the decree and proceedings of the Court if Government be cast, with a letter stating his objections to it; and the Boards are similarly to submit such decrees and proceedings with their opinion in suits concerning acts done under orders originating with them: the Governor General in Council will order or not an appeal from such decisions, as may appear to him advisable. *Beng.* 1793 *R.* 3. § 11. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2 § 15. A. D. 1793.

2. The same specifically enacted for acts done by a Collector of revenue in matters of land revenue. *Beng.* 1793 *R.* 14. § 46. *Ben.* 1795 *R.* 6. § 51. *Ced. Prov.* 1803 *R.* 27. § 48.

3. And in matters of Sayer compensations withheld by the orders of the Governor General in Council or Board of Revenue. *Beng.* 1793 *R.* 27. § 12. *Ced. Prov.* 1803 *R.* 38. § 18. *Conq. Prov.* 1805 *R.* 6. § 41.

4 Also in matters of Abcaree compensations similarly withheld. *Beng.* 1793 *R.* 34. § 3 *Ben* 1795 *R.* 47. § 3. *Ced. Prov.* 1803 *R.* 40. § 3.

5. For acts done by a Salt Agent in matters relating to the manufacture. *Beng.* 1793 *R.* 29. § 33.

6. Or relating to seizures of salt. *Beng.* 1793 *R.* 30. § 11. *Ced. Prov.* 1803 *R.* 39. § 20.

7. Also for acts done by a Commercial Agent. *Beng.* 1793 *R.* 31. § 28. *Ced. Prov.* 1803 *R.* 37. § 28. ext. *Ben.* 1805 *R.* 4. § 2.

8. Decrees of forfeiture of land against landholders, for resistance to process of Zilla Courts, when not appealed, or not appealable, or confirmed by the Sudder Dewannee Adaulut, are to be transmitted to the Governor General in Council; who may, within four weeks from the receipt of the decree, order it to be executed, or commute the forfeiture for such fine as he may deem adequate to the offence; but if the Governor General in Council shall not within four weeks pass any order, the decree shall stand good. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23. Modified 1793 *R.* 9 § 2

9. For resistance to process of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23. *C.* 1.

10. And of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 24.

(Ap. D. 1799 Modified 1799 R. 9 § 8

11. The same in decrees of forfeiture of lease against farmers for resistance to process of Zilla Courts; and the Governor General in Council may impose a fine on the offender, and compel him and his surety to perform their engagements till the expiration of the lease. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 1.

12. For resistance to process of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

13. And of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

14. The same in decrees of forfeiture of land against landholders for resistance to process of Collectors; but such decrees shall not be executed without an order from the Governor General in Council confirming the decree and directing the disposal of the estate. *Beng.* 1793 *R.* 14 § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 27. § 23.

15. And in decrees of forfeiture of lease against farmers for such resistance; the execution of which shall be similarly postponed for the orders of the Governor General in Council. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

16. And in decrees imposing a fine on the surety of a landholder or farmer for such resistance. *Beng.* 1793 *R.* 14. § 21. *Ben.* 1795 *R.* 6. § 28. *Ced. Prov.* 1803 *R.* 27. § 28.

17. Land, forfeited for resistance to the process of Zilla Courts, may, in the option of the Governor General in Council, be conferred on the heirs of the offender, or sold at public sale. *Beng.* 1793 *R.* 4. § 23. *Ben.* 1795 *R.* 8. § 6. *C.* 2. *Ced. Prov.* 1803 *R.* 3. § 24.

18. For resistance to process of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 24. *Ben.* 1795 *R.* 9. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 4. § 24.

19. Of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 25. *Ben.* 1795 *R.* 10. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 5. § 25.

20. And of Collectors; and the surplus proceeds of such forfeiture for resistance to the process of Collectors, after liquidating the demands of Government, shall be applied in such manner as the Governor General in Council may direct. *Beng.* 1793 *R.* 14. § 18. *Ben.* 1795 *R.* 6. § 25. *Ced. Prov.* 1803 *R.* 27. § 25.

21. The Sudder Dewannee Adaulut may recommend to the Governor General in Council to order any Judge of a Provincial Court of Appeal, or Zilla or City Court, ac-

fused of corruption to be prosecuted in the Supreme Court by the law officer of Government; and, on proof of such a charge, the Governor General in Council will remove the Judge from his office, or suspend him from all Company's service, or pass such other order as may appear proper to him. *Beng.* 1793 *R.* 6. § 8. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 8.

22. The Zilla and City Courts are to transmit to the Governor General in Council a copy of every decree against a law officer for corruption, if not appealed within the limited time. *Beng.* 1793 *R.* 12. § 8. *C.* 4. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 4.

23. And the Provincial Court of Appeal. *Beng.* 1793 *R.* 12. § 8. *C.* 5. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 5.

24. The Sudder Dewannee Adaulut shall transmit to the Governor General in Council, within one week, a copy of every such decree passed by the Court. *Beng.* 1793 *R.* 12. § 8. *C.* 6. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 6.

25. The Governor General in Council on receipt of such a decree will dismiss the offender from office and declare him incapable of serving Government; and will, when deemed expedient, suspend such law officer during the trial. *Beng.* 1793 *R.* 12. § 8. *C.* 7. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 7.

26. All decrees, acquitting a law officer on a charge of corruption, are to be transmitted to the Governor General in Council. *Beng.* 1793 *R.* 12. § 8. *C.* 8. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 8.

27. Decrees, convicting a native ministerial officer of corruption, if not appealed or not appealable, or passed by the Sudder Dewannee Adaulut, shall be transmitted to the Governor General in Council, who may declare the offender incapable of serving Government; and will, when deemed expedient, suspend him during the trial. *Beng.* 1793 *R.* 13. § 9. *C.* 8. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 8.

28. And decrees convicting a ministerial officer, being a covenanted servant of the Company; whom the Governor General in Council may further dismiss from his appointment, and suspend from the service; a copy of every decree acquitting such officer on such a charge shall also be sent in one week to the Governor General in Council. *Beng.* 1793 *R.* 13. § 9. *C.* 9. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 9.

29.

A. D. 1798

29. And decrees, convicting a private servant of a Judge, shall be similarly sent to the Governor General in Council, who may declare the offender incapable of serving Government. *Beng.* 1793 *R.* 13. § 11. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 14.

30. The Board of Revenue are to submit to the Governor General in Council, any case in which they are of opinion, that a Collector ought not to be made responsible for costs and damages awarded against him. *Beng.* 1793 *R.* 14. § 35. *Ben.* 1795 *R.* 6. § 41. *Ced. Prov.* 1803 *R.* 27. § 38.

31. The Civil Courts are to report to the Governor General in Council when the amount of any decree against a Collector of Revenue, in suits wherein he is personally liable, are not received from him or his surety, and when a Collector refuses to pay a fine imposed on him, and the Governor General in Council will order the amount of the decree, and of the fine if he approve of it, to be paid from the Treasury and stopped from the Collector's allowances. *Beng.* 1793 *R.* 14. § 36. *Ben.* 1795 *R.* 6. § 42. *Ced. Prov.* 1803 *R.* 27. § 39.

32. When the Board of Revenue receive orders for the purpose from the Governor General in Council, they may superintend the prosecution or defence of appeals at the Sudder Dewannee Adaulut in which a Collector is engaged by their orders. *Beng.* 1793 *R.* 14. § 43. *Ben.* 1795 *R.* 6. § 49. *Ced. Prov.* 1803 *R.* 27. § 46.

33. And the Board of Trade, the prosecution or defence of any suits and appeals in which a Salt Agent is engaged under their orders. *Beng.* 1793 *R.* 29. § 31.

34. Or a Commercial Agent. *Beng.* 1793 *R.* 31. § 25. *Ced. Prov.* 1803 *R.* 37. § 25. ext. *Ben.* 1805 *R.* 4. § 2.

35. The Governor General in Council will be responsible, that Salt Agents and their Assistants, who are covenanted servants of the Company, shall answer suits brought against them and fulfil the decrees; and will hold the Agents responsible that their European Assistants, not in the service of the Company, shall answer suits preferred against them and fulfil the decrees. *Beng.* 1793 *R.* 29. § 28.

36. Government will be responsible, that Commercial Agents answer to suits preferred against them and fulfil the decree; and will hold them responsible that their head officers of Koties answer suits preferred against them and perform the decrees. *Beng.* 1793 *R.* 31. § 22. *Ced. Prov.* 1803 *R.* 37. § 22. ext. *Ben.* 1805 *R.* 4. § 2.

37. Government will be responsible for the due performance of the decree in official suits against a Collector of Revenue. *Beng.* 1793 *R.* 14. § 36. *Ben.* 1795 *R.* 6. § 42. *Ced. Prov.* 1803 *R.* 27. § 39.

38. The Board of Trade shall report to the Governor General in Council when they indemnify an officer, or defend a suit on the part of Government, or adjust the matter with the proprietor, in case of an improper seizure of salt. *Beng.* 1793 *R.* 30. § 10. A. D. 1793 Executed March 6, 1794.

39. When the Board of Trade receive orders for the purpose from the Governor General in Council, they may superintend the prosecution or defence of any suit or appeal in which a Collector of Customs is engaged under their orders. *Beng.* 1795 *R.* 39. § 31. ext. *Ben.* 1801 *R.* 10. § 29. *Ced. Prov.* 1804 *R.* 11. § 50. A. D. 1795

40. Government will be responsible, that Collectors of Customs answer all suits and make good the decrees. *Beng.* 1795 *R.* 39. § 28. ext. *Ben.* 1801 *R.* 10. § 29. *Ced. Prov.* 1804 *R.* 11. § 47.

41. And will be responsible for causing the Opium Agents to answer all suits against them, and make good the decree; and will hold the Agents responsible for their head officers answering to suits and performing the decrees. *Beng. Ben.* 1799 *R.* 6. § 33. A. D. 1799

42. When the Board of Trade receive orders for the purpose from the Governor General in Council, they may superintend the prosecution or defence of any suit or appeal in which an Opium Agent is engaged under their orders. *Beng. Ben.* 1799 *R.* 6. § 36.

43. Any person, deeming himself aggrieved by an act of an Opium Agent done pursuant to special orders from the Governor General in Council, may seek redress in the mode prescribed by Section 11, Regulation 3 of 1793. *Beng. Ben.* 1799 *R.* 6. § 39. *Ced. Prov.* 1803 *R.* 41. § 22.

44. No decree of forfeiture of an estate or farm, for resistance to Zilla or City Courts, shall be considered final or carried into execution until confirmed by the Governor General in Council, and notice of his confirmation be received. *Beng. Ben.* 1799 *R.* 9. § 3. *Ced. Prov.* 1803 *R.* 3. § 23. and 25. *C.* 1. *R.* 4. § 23. *C.* 2.

45. Copies of decrees imposing a fine for illicit salt works shall be transmitted to the Governor General in Council, and not executed without his orders for the purpose; and it shall be competent to him to order, that the whole or any part of the fine be received in money, and to countermand the sale of such part of the land as is equivalent to the proportion of the fine to be received in money, or to remit the whole or a part of the fine. *Beng Ben.* 1801 *R.* 6. § 7. *C.* 6. A. D. 1801

46. The Board of Trade shall report to the Governor General in Council when they indemnify an officer, or defend a suit on the part of Government, or adjust the matter

A. D. 1801 matter with the proprietor, in case of an improper seizure of salt. *Beng. Ben.* 1801 *R.* 6. § 21.

47. Persons, deeming themselves aggrieved by any act done, or order issued, by the Governor General in Council in matters of salt, may apply for redress in the mode prescribed by Section 11, Regulation 3 of 1793. *Beng. Ben.* 1801 *R.* 6. § 33. *Ced. Prov.* 1803 *R.* 39. § 20.

48. Persons, aggrieved in respect to the Calcutta town duties by any act done under special orders of the Governor General in Council, may apply for redress in the mode prescribed by Section 11, Regulation 3 of 1793. *Beng.* 1801 *R.* 5. § 15.

49. In respect to the city duties. *Beng. Ben.* 1801 *R.* 10. § 29. *Ced. Prov.* 1805 *R.* 6. § 37.

50. And to the Government duties. *Beng.* 1801 *R.* 11. § 25. *Ced. Prov.* 1804 *R.* 11. § 41.

A. D. 1805 51. The limitation of twelve years for the commencement of civil suits shall not be considered applicable to any suits instituted on behalf of Government with the sanction of the Governor General in Council. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 2. *C.* 1.

52. Nor the limitation of one year for the commencement of such suits to recover penalties in Abcaree, salt, opium, stamp, or other matters. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 6.

53. Copies of all decrees in suits or appeals, to which Government may be one of the parties, are to be transmitted with an English translation to the Secretary of Government in the Judicial Department, for the information of the Governor General in Council. *Beng. Ben. Ced Prov.* 1805 *R.* 2. § 9.

A. D. 1806 54. Whenever a complaint may be instituted against any European public officer amenable to the Zilla and City Courts for any act except corruption, &c. the Judge shall, previously to calling upon the officer for his answer, transmit a copy and translation of the complaint to the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 2.

55. Who, after inquiring into the case through the Board of Revenue or Trade, or in any other mode, will determine whether it shall be considered as a public or private suit; and the Court, on the receipt of this determination, shall proceed to try it according to the rules for public or private suits respectively. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 4.

56.

56. Whenever a charge of corruption against any such officer is preferred to a Provincial, Zilla or City Court, or to the Sudder Dewannee Adaulut, the Court shall transmit a copy and translation to the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 4. A. D. 1806

57. Or a similar charge against any judicial officer. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 4.

58. On receipt of such charge, or of any information communicated directly to the Governor General in Council, or through the Board of Revenue or Trade, or any other official channel, he will, after making necessary inquiries by reference to the Board or any local authority, or by calling on the accused for his defence, determine whether there be grounds for a formal inquiry. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 5.

59. And on receipt of a similar charge against a judicial officer. *Beng. Ben. Ced. Prov* 1806 *R.* 10. § 5.

60. If a special inquiry appear necessary, the Governor General in Council will appoint a Commissioner or Commissioners for the purpose. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 6.

61. And similarly on a charge against a judicial officer, or will refer it for trial to the established tribunals. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 5.

62. Such Commissioners shall take a prescribed oath before the Governor General in Council or any person authorized by him. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 6.

63. And Commissioners for inquiry into a charge against a judicial officer. *Beng. Ben. Ced. Prov* 1806 *R.* 10. § 6.

64. The Governor General in Council will direct where such commission shall be held. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 7.

65. The Sudder Dewannee Adaulut shall propose to the Governor General in Council, a Regulation to provide for any doubt or difficulty in the conduct of such commissions. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 8.

66. The Governor General in Council will determine whether the conduct of the prosecution shall be left to the accuser or undertaken on the part of Government. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 10.

67. And similarly on a charge against a judicial officer, and will, in such case, appoint a Committee at the Presidency to conduct the prosecution. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 9.

68.

A. D. 1806 68. The proceedings of such commissions shall be submitted to Government by the Sudder Dewannee Adaulut, with their opinion. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 16.

69. The Governor General in Council will pass such order as may appear proper, and will if necessary direct a prosecution in the Supreme Court. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 17.

70. Or may order a prosecution in the Supreme Court instead of a special commission. *Beng. Ben Ced. Prov.* 1806 *R.* 8. § 19.

71. If the party accused be acquitted, the Governor General in Council will order payment of his salary from the date of his suspension. *Beng. Ben. Ced Prov.* 1806 *R.* 8. § 9.

72. So for a judicial officer. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 8.

73. And, if the charge appear malicious, may order the expense of the inquiry to be recovered, under the orders of the Sudder Dewannee Adaulut, from the accuser. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 18.

74. Sections 7 and 8, and Sections 12 to 19, Regulation 8 of 1806, are applicable to charges against judicial officers. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 7.

X. CRIMINAL COURTS.

A. D. 1793 1. The Nizamut Adaulut may submit to the Governor General in Council, Regulations relating to the administration of criminal justice and the Police of the country. *Beng.* 1793 *R.* 9. § 72. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 2.

2. And shall submit to the Governor General in Council the case of any criminal sentenced to suffer death, who may appear a proper object of mercy, with recommendation of a pardon or commutation of punishment. *Beng.* 1793 *R.* 9. § 79. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 14.

3. The lands and effects of landholders and farmers convicted of conniving at robberies may be sold, at the discretion of the Governor General in Council, to make good the value of the property stolen. *Beng.* 1793 *R.* 22. § 3.

4. The Magistrates are not to change the names, numbers or limits of Police jurisdictions, without the sanction of the Governor General in Council. *Beng.* 1793 *R.* 22. § 5. *Ben.* 1795 *R.* 17. § 5. *Ced. Prov.* 1803 *R.* 35. § 5.

5. Nor of the wards of a city. *Beng.* 1793 *R.* 22. § 27. *Ben.* 1795 *R.* 17. § 24.

6.

6. In case of the absence, indisposition or vacancy of a Judge of a Court of Circuit at the time of the half yearly jail deliveries, the Governor General in Council will make such provision for the case as he may deem proper. *Beng.* 1794 *R.* 7. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 16. § 18. A. D. 1794. Re-enacted 1797 R. 8 § 4

7. And in case of the death or indisposition of a Circuit Judge on the Circuit. *Beng.* 1794 *R.* 7. § 8. *C.* 2. ext. *Ben.* 1795 *R.* 16. § 18. ditto

8. If the Nizamut Adaulut see reason for not confirming the sentence of a Court of Circuit on Brahmens convicted of setting fire to a Koorh, they shall submit the case to the Governor General in Council, and recommend a pardon or mitigation of the sentence. *Ben.* 1795 *R.* 21. § 7. A. D. 1795.

9. Or on Brahmens convicted of wounding their women or children in resentment of an injury. *Ben.* 1795 *R.* 21. § 8.

10. Or of actually slaying their women or children. *Ben.* 1795 *R.* 21. § 9.

11. And may recommend to the Governor General in Council mitigation of the forfeiture and banishment of the families of such Brahmens; and shall report to him, if they confirm such forfeiture and banishment: no such sentence shall be carried into execution without his order directing the disposal of the property. *Ben.* 1795 *R.* 21. § 9.

12. The Nizamut Adaulut shall not extend beyond twelve months, without the sanction of the Governor General in Council, the period for a Magistrate taking the oaths as Justice of Peace. *Beng. Ben.* 1796 *R.* 2. § 4. *Ced. Prov.* 1803 *R.* 6. § 19. *C.* 5. A. D. 1796.

13. The Court shall submit to the Governor General in Council the case of any prisoner sentenced to death by the assembly of Bhaugulpoor hill chiefs, if deemed an object of mercy, and shall recommend a pardon or commutation of the sentence. *Beng.* 1796 *R.* 1. § 13.

14. And the case of any prisoner sentenced by the Futwa to more and severer punishment than may appear equitable, and shall recommend pardon or mitigation. *Beng. Ben.* 1796 *R.* 6. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 8. § 19. *C.* 1.

15. Stating the reasons at large for the pardon or mitigation recommended. *Beng. Ben.* 1796 *R.* 6. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 8. § 19 *C.* 2.

16. And any case of a heinous nature in which it shall appear to the Court, that an offer of pardon to one or more of the supposed accessaries may lead to the conviction of the principal; and the Governor General in Council, if he approve it, will authorize such offer of pardon. *Beng. Ben.* 1796 *R.* 6. § 3. *Ced. Prov.* 1803 *R.* 8. § 20.

A. D. 1796 17. If the Nizamut Adaulut confirm a sentence of forfeiture of land or lease, for resistance by landholders or farmers to process of a Magistrate or Police officer, they shall submit the proceedings to the Governor General in Council, who will determine whether to put it in force or commute it to a fine, and will cause instructions to be given through the Revenue Board to the Collector respecting the disposal of the land if he confirm the forfeiture. *Beng. Ben.* 1796 *R.* 11. § 3. *Ced. Prov.* 1804 *R.* 3. § 3.

18. If a person, absconding from a criminal charge, do not attend in six months after the attachment of his land, the Magistrate shall report the case to the Governor General in Council, who will pass such order upon it, and for the disposal of the land, as he may judge proper. *Beng. Ben.* 1796 *R.* 11. § 6. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 5.

A. D. 1797 19. If the Nizamut Adaulut confirm a sentence of forfeiture of land or lease for neglect of Police duties by landholders or farmers in Benares, they shall submit the proceedings to the Governor General in Council, who will determine whether to put it in force, or commute it to a fine; and will cause instructions to be given through the Board of Revenue to the Collector respecting the disposal of the land if he confirm the forfeiture. *Ben.* 1797 *R.* 2. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 5.

20. In case of a Circuit Judge's death, or inability to perform his functions, the earliest notice is to be communicated to the Governor General in Council, who will make such provision for the case as he shall judge proper. *Beng. Ben.* 1797 *R.* 3. § 6. *Ced. Prov.* 1803 *R.* 7 § 14.

21. If in any case not provided for by the Regulations, the Muhamedan law should appear repugnant to justice, the Nizamut Adaulut shall recommend a pardon or mitigation of punishment to the Governor General in Council, and propose a Regulation for providing against a recurrence of the case. *Beng. Ben.* 1797 *R.* 4 § 4. *Ced. Prov.* 1803 *R.* 8. § 11.

22. The Courts of Circuit are to transmit to the Governor General in Council, a monthly contingent bill for the expense of making translations of their proceedings for reference to the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 4. § 13.

23. The Nizamut Adaulut are to submit, with their sentiments, for the decision of the Governor General in Council, all claims preferred by individuals on prisoners under pecuniary sentences by the late Naib Nazim, the late native Criminal Courts of Benares, and the Courts of Circuit. *Beng. Ben.* 1797 *R.* 14. § 2.

A. D. 1799 24. The special Courts for the trial of crimes against the state are to be guided, in all points not provided for in the Regulations, by the special orders which they may receive from Government. *Beng. Ben.* 1799 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 20. § 3.

25.

25. The Nizamut Adaulut are to report to Government their sentence, with the whole of the proceedings, in every trial for a crime against the state, and wait the orders of Government before they direct the sentence to be carried into execution. *Beng. Ben.* 1799 *R.* 4. § 5. *Ced. Prov.* 1803 *R.* 20. § 5. A. D. 1799

26. And Magistrates are to give immediate notice to Government of any person being charged before them with such a crime, and are to obey all orders transmitted to them by Government for the apprehension of such persons, for making any inquiry regarding them, or for committing them to take their trial. *Beng. Ben.* 1799 *R.* 4. § 6. *Ced. Prov.* 1803 *R.* 20. § 6.

27. In case of the death or absence of any Judge or law officer of such a special Court, Government will make provision for supplying his place, if it shall be deemed necessary. *Beng. Ben.* 1799 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 20. § 4.

28. The Nizamut Adaulut shall recommend to the Governor General in Council the pardon of the offender or a mitigation of punishment, stating the reasons for the recommendation, in the case of any person convicted of killing one individual in the intention of killing another, if he should appear an object of mercy. *Beng. Ben.* 1801 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 2. A. D. 1801

29 And in the case of any person convicted of wounding one individual in the intention of wounding another. *Beng. Ben.* 1801 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 5.

30. The Nizamut Adaulut shall report to the Governor General in Council, the case of any prisoner convicted of a human sacrifice, if appearing a proper object of mercy. *Beng. Ben.* 1802 *R.* 6. § 2. A. D. 1802

31. And the case of any prisoner who may appear a proper object of mercy; and the Court may remit the punishment without reference to the Governor General in Council, if the punishment shall not have been adjudged under any provision of the Muhamedan law or of a Regulation *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 6. A. D. 1803

32. And shall propose to the Governor General in Council a Regulation for declaring the specific punishment of any crime of magnitude not specifically provided for by the Muhamedan law or the Regulations. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 3.

33. And may recommend to the Governor General in Council for mercy any prisoner convicted in Cuttack of a crime committed between the 14th October 1803 and the promulgation of the Regulation. *Beng.* 1804 *R.* 4. § 7. A. D. 1804

A. D. 1804 34. And any prisoner convicted in the Conquered Provinces of a crime committed between the 30th December 1803 (in Bundelkhund 16th December 1803) and the promulgation of this Regulation. *Ben. Ced. Prov.* 1804 *R.* 9. § 11.

35. The Nizamut Adaulut, with the sanction of the Governor General in Council, may authorize any special deviation in the periods for holding the monthly, quarterly, or half yearly, jail deliveries. *Beng. Ben.* 1804 *R.* 2. § 8.

36. The Governor General in Council is competent to suspend, wholly or partially, or to direct any public officer or authority to order the suspension of, the functions of the ordinary Courts of Judicature within any part of the British Territories, and to establish martial law therein, during the existence of war or open rebellion; and to direct the trial by Courts Martial of all persons owing allegiance to the British Government, who shall be taken in arms in open hostility or in any overt act of rebellion, or in openly abetting the enemy. *Beng. Ben. Ced. Prov.* 1804 *R.* 10. § 2.

37. Or the Governor General in Council may cause such persons to be tried before the ordinary Courts of Judicature or before a special Court. *Beng. Ben. Ced. Prov.* 1804 *R.* 10. § 4.

A. D. 1805. 38. The local jurisdiction of the Magistrate of the Jungul Mehals is subject to such alteration as the Governor General in Council may at any time judge expedient; and he may, by an order of Council, abolish the office. *Beng.* 1805 *R.* 18. § 3. *C.* 2.

39. The Magistrate of the Jungul Mehals shall take a prescribed oath before the Governor General in Council or any person commissioned by him to administer it. *Beng.* 1805 *R.* 18. § 4.

40. The prohibition of Section 2, Regulation 22 of 1793, on landholders &c. against entertaining Police establishments, does not extend to any landholders &c. whom the Governor General in Council may authorize to entertain such an establishment. *Beng.* 1805 *R.* 18. § 5.

41. The Governor General in Council reserves to himself the power of extending the rules for the Jungul Mehals, in whole or in part, to any other Mehals, the Police of which may be entrusted to a landholder. *Beng.* 1805 *R.* 18. § 6.

42. Zemindars, entrusted with the Police, shall receive Sunnuds from the Magistrate under the authority of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 1.

43. And shall not be deprived except for misconduct proved to the satisfaction of the Governor General in Council; for whose final determination the Magistrate shall report

port through the Nizamut Adaulut, when of opinion that there are grounds for depriving a Zemindar. *Beng.* 1805 *R.* 18. § 7. *C.* 2. A. D. 1805

44. They shall keep such an establishment of watchmen, as may be fixed by the Magistrate, with the sanction of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 3.

45. Sentences of forfeiture of land on such Zemindars, for neglect of Police duties, are to be submitted for the final determination of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 16.

46. And the lands of such Zemindars convicted of being concerned in robbery are liable to confiscation or to be sold for the purpose of making good the value of the property plundered, in the discretion of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 17.

47. Managers of disqualified landholders are eligible to the charge of Police, with the sanction of Government, and shall act under the same responsibility, with such modifications as the Governor General in Council may in any instance direct. *Beng.* 1805 *R.* 18. § 7. *C.* 21.

48. The Nizamut Adaulut, with the sanction of the Governor General in Council, may allow any deviation in the rules respecting jail deliveries. *Beng. Ben. Ced. Prov.* 1806 *R.* 1. § 6. A. D. 1806

49. And may postpone the session of any Zilla or city, or order the prisoners committed in one Zilla to be brought to trial in any adjacent Zilla. *Beng. Ben. Ced. Prov.* 1806 *R.* 1. § 7.

50. The Governor General in Council, on receiving information through the Nizamut Adaulut, of the inability of the senior Judge of a Court of Circuit to hold the half yearly jail deliveries, will make provision for the case. *Beng. Ben. Ced. Prov.* 1806 *R.* 1. § 8.

51. The powers and duties of the Magistrate of Twenty-four Pergunnas shall be exercised by such person as the Governor General in Council may at any time appoint. *Beng.* 1806 *R* 7. § 7.

52. The town of Jugunnautpoor and adjacent country shall form a Police jurisdiction within such limits as the Governor General in Council shall fix; and one or more of the Dewul Purchas, as he may direct, shall be appointed Daroghas thereof. *Beng.* 1806 *R.* 4. § 22.

A. D. 1806

53. The Governor General in Council will, whenever he may deem it proper, abolish the separate criminal jurisdiction of the northern division of Suharunpoor, and incorporate it in the southern division. *Ced. Prov.* 1806 *R.* 14. § 4.

54. When a Magistrate, who has qualified as Justice of Peace, commits an European British subject for trial before the Supreme Court, he shall transmit copies and translations of the depositions for the information of the Governor General in Council, who will determine whether the prosecution shall be conducted at the public expense. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 2.

55. And when a Magistrate, who has not qualified, sends a British subject to Calcutta, on a criminal offence which is not bailable. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 3.

56. Or when he receives a charge against a British subject for a bailable offence. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 5.

XI. *CUSTOMS.*

A. D. 1793 Rescinded 1801 *R.* 11 § 2

1. The Collector of Customs at Manjee is to take a prescribed oath before the Governor General in Council, or any person commissioned by him to administer it. *Beng.* 1793 *R.* 42. § 3. *C.* 2.

Re-enacted 1801 *R.* 11 § 4

2. And the Collector of Customs at Calcutta. *Beng* 1793 *R.* 42. § 21. *C.* 2.

Rescinded 1801 *R.* 11 § 2

3. Goods, stopped in attempting to pass without payment of duties, shall be confiscated by the Collector of Customs at Manjee, after obtaining, through the Board of Trade, the sanction of the Governor General in Council. *Beng.* 1793 *R.* 42. § 10.

ditto

4. The Collector shall transmit to the Board of Trade, the necessary proofs of frauds with respect to the valuation of goods; and the Governor General in Council will give orders to the Board for the confiscation of them. *Beng.* 1793 *R.* 42. § 11.

ditto

5. And may propose occasionally to the Board, for the consideration of the Governor General in Council, rules for facilitating the collection of duties and for promoting the increase of trade. *Beng.* 1793 *R.* 42. § 17.

ditto

6. And alterations in the rates of articles subject to duty. *Beng.* 1793 *R.* 42. § 18.

Re-enacted 1795 *R.* 39 § 26 *C.* 6.

7. Goods, found in any boat attempting to pass Calcutta, are liable to confiscation at the discretion of the Governor General in Council. *Beng.* 1793 *R.* 42. § 44.

Rescinded 1793 *Beng.* § 2

8. Goods, superior to the Rawana, are to be confiscated by the Board of Trade, after receiving the sanction of the Governor General in Council. *Beng.* 1793 *R.* 42. § 45.

9.

9. Raw silk, exported on the Company's chartered ships with license of the Governor General in Council, is allowed a complete drawback. *Beng.* 1793 *R.* 42. § 54. A. D. 1793 Re-enacted 1795 R. 5. § 1.

10. No exemption from duties is to be allowed without the special sanction of the Governor General in Council. *Beng.* 1793 *R.* 42. § 59. Re-enacted 1801 R. 5. § 1.

11. And when Government deem it proper to grant exemptions, the Custom Master will be furnished with special instructions. *Beng.* 1793 *R.* 42. § 65. ditto

12. The Collector of Customs in Benares is to be sworn before the Governor General in Council or any person commissioned by him. *Ben.* 1795 *R.* 5. § 2. *C.* 2. A. D. 1795

13. And the Collector of Customs in Calcutta. *Beng.* 1795 *R.* 39 § 3. *C.* 2.

14. The Collector of Customs in Benares is to correspond with, and obey all orders of, the Governor General in Council. *Ben.* 1795 *R.* 5. § 3. *C.* 1.

15. The Collector of Calcutta Customs shall report to the Governor General in Council, through the Board of Trade, all military stores, being private property, landed from any vessel; specifying the nature, number and quantity, and the names of the ship, commander and consigner. *Beng.* 1795 *R.* 39. § 9.

16 The Collector of Calcutta town duties is to take a prescribed oath before the Governor General in Council or any person commissioned by him. *Beng.* 1801 *R.* 5. § 2. *C.* 2. A. D. 1801

17. Also the Collectors of city duties. *Beng. Ben.* 1801 *R.* 10. § 3. *Ced. Prov.* 1805 *R.* 6. § 9.

18. And of Government duties. *Beng.* 1801 *R.* 11. § 4. *Ced. Prov.* 1804 *R.* 11. § 11.

19. The Collectors of city duties may propose to the Board of Trade, for the consideration of the Governor General in Council, alterations in the rates of duty and list of articles subject to duty. *Beng. Ben.* 1801 *R.* 10. § 8. *Ced. Prov.* 1805 *R.* 6. § 16.

20. And the Collectors of Government duties. *Beng.* 1801 *R.* 11 § 17.

21. Also Regulations for facilitating the collection of the town duties. *Beng. Ben.* 1801 *R.* 10. § 10. *Ced. Prov.* 1805 *R.* 6. § 17.

22. And so may the Collectors of Government duties. *Beng.* 1801 *R.* 11. § 16. *Ced. Prov.* 1804 *R.* 11. § 29.

23. The Board of Trade shall submit their opinion respecting the increase or diminution of the number of Chokees or the change of their situation, to the Governor General

A. D. 1801 neral in Council, who will pass thereon such orders as he may deem proper. *Beng.* 1801 *R.* 11. § 5. *Ced. Prov.* 1804 *R.* 11. § 13.

A. D. 1801 24. No exemption from duties is to be allowed without the special orders of the Governor General in Council, who will cause such orders to be furnished to the Collector of Customs when he may deem it proper to grant an exemption. *Beng.* 1801 *R.* 5. § 17.

A. D. 1803 25. The Custom-house establishments in the Ceded Provinces are not to be altered except by the order of the Governor General in Council. *Ced. Prov.* 1803 *R.* 38. § 4.

A. D. 1804 26. The Governor General in Council may, by an order in Council, suspend the operation of the Regulation for the collection of customs in any part of the Conquered or Ceded Provinces, and determine at what places the Custom-houses shall be established. *Ced. Prov.* 1804 *R.* 11. § 6.

27. The Collectors of Customs in the Ceded and Conquered Provinces shall submit to the Board of Trade for the approbation of the Governor General in Council a book of rates, specifying the value of articles chargeable ad valorem. *Ced. Prov.* 1804 *R.* 11. § 16.

28. The Governor General in Council will adopt measures for obtaining the exemption from duty, of all articles imported from Europe, on their importation into, or exportation from, or transit through, the city of Delhi and the territory assigned to the King. *Ced Prov.* 1804 *R.* 11. § 38.

A. D. 1805 29 It shall be competent to the Governor General in Council, by an order in Council, to suspend the operation of the Regulation for the collection of city duties in any part of the Conquered or Ceded Provinces, or to extend its operation to any other towns, to extend the limits within which the duties are to be collected in any city or town, or to discontinue the collection at any town. *Ced. Prov.* 1805 *R.* 6. § 7.

32. Collectors of city duties are to submit to the Board of Trade, for the approbation of the Governor General in Council, a book of rates specifying the value of articles chargeable ad valorem *Ced. Prov.* 1805 *R.* 6. § 12.

XII. *COMMERCE.*

A. D. 1793 1. Salt Agents are to take a prescribed oath before the Governor General in Council or any person whom he may commission. *Beng.* 1793 *R.* 29. § 2. *C.* 2.

2. A Salt Agent, convicted of using compulsion for the manufacture, will be liable to dismission by the Governor General in Council. *Beng.* 1793 *R.* 29. § 4.

3.

3. Salt, manufactured in the provinces without the sanction [illegible]ernment, is liable to confiscation. *Beng.* 1793 *R.* 30. § 2. A. D. 1795 Re-enacted 1801 R. 6 § 6

4. And salt imported without such sanction. *Beng.* 1793 *R.* 30. § 3. ditto § 3

5. The Board of Trade shall report to the Governor General in Council, any remarks which may appear proper on a Commercial Agent's annual report of his private trade. *Beng.* 1793 *R.* 31. § 15. *C.* 10. *Ced. Prov.* 1803 *R.* 37. § 15. *C.* 10. ext. *Ben.* 1805 *R.* 4 § 2.

6. The Governor General in Council may annul the opium contract, if disapproved of by the Court of Directors, from the end of the season in which their orders shall have been received. *Beng.* 1793 *R.* 32. § 2. *C.* 2. *Ben.* 1795 *R.* 32. § 2. *C.* 2. Expired

7. All disputes between the Opium Contractor and the officers of Government, regarding the quality of the opium, shall be determined by three persons appointed by Government. *Beng.* 1793 *R.* 32. § 2. *C.* 6. *Ben.* 1795 *R.* 32. § 2. *C.* 6. ditto

8. The Opium Contractor will be liable to such fine, as Government may think proper to impose, on proof of his including any adulterated and condemned opium in his deliveries to the Company. *Beng.* 1793 *R.* 32 § 2. *C.* 23. *Ben.* 1795 *R.* 32. § 2. *C.* 21. ditto

9 Government will take such measures, as may be thought most effectual, for preventing all illicit trade in opium. *Beng.* 1793 *R.* 32. § 2. *C.* 27. ditto

10. Any British subject, convicted of illicit trade in opium, to the satisfaction of the Governor General in Council, shall forfeit the Company's protection and be sent to Europe. *Beng.* 1793 *R.* 32. § 4. *Ben.* 1795 *R.* 32 § 3. *Ced. Prov.* 1803 *R.* 41. § 11. Re-enacted 1799 R. 6 § 18

11. The Civil Courts are to report to the Governor Governor in Council all seized opium, if unclaimed or declared liable to confiscation; and he will give directions regarding the disposal of it. *Beng.* 1793 *R.* 32. § 6.

12. The owner of a ship licensed to import salt, shall be liable to a penalty of ten Rupees per Maund on any salt which may be proved to the satisfaction of the Governor General in Council to have been run or thrown over board. *Beng.* 1795 *R.* 52. § 18. A. D. 1795

13. Any European, proved to the satisfaction of the Governor General in Council to be concerned in the illicit importation of salt, shall forfeit the Company's protection and be sent to Europe. *Beng.* 1795 *R.* 52. § 19.

14. The Magistrate of Silhet is to report to the Governor General in Council, for his orders as to the disposal of the property, all confiscations adjudged for illicit trade A. D. 1799

A. D. 1799 with the frontier Khasias, and any instance of persons infringing the prohibition against employing armed men; and all persons, not native inhabitants of Silhet, who shall act in opposition to any of the restrictions, or be guilty of misconduct towards the hill people, will be liable to be sent to Calcutta at the pleasure of Government. *Beng.* 1799 *R.* 1. § 4.

15. Any person, dissatisfied with the Magistrate's order of confiscation, may state his objection to the Governor General in Council, who will afford equitable relief or leave the party to seek his remedy in the Civil Court. *Beng.* 1799 *R.* 1. § 6.

16. Opium Agents are to take a prescribed oath before the Governor General in Council, or any person commissioned by him. *Beng. Ben.* 1799 *R.* 6. § 2.

17. Any British subject, convicted to the satisfaction of the Governor General in Council of illicit trade in opium, shall, exclusive of other penalties, forfeit the Company's protection and be sent to Europe. *Beng. Ben.* 1799 *R.* 6. § 18. *Ced. Prov.* 1803 *R.* 41. § 11.

A. D. 1801 18. Foreign salt, imported into the provinces of Bengal, Behar, Orissa and Benares, without the sanction of Government, shall be liable to confiscation. *Beng. Ben.* 1801 *R.* 6. § 3.

19. And salt manufactured in the said provinces without such sanction. *Beng. Ben.* 1801 *R.* 6. § 6.

20. The Board of Trade may, with the sanction of the Governor General in Council, commit the charge of salt Chokees to Commercial Agents and Collectors of Customs. *Beng. Ben.* 1801 *R.* 6 § 11. *C.* 8.

21. Such Agents and Collectors shall take a prescribed oath before the Governor General in Council, or any person commissioned by him. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 9.

22. Seizures of salt may be made by only such Magistrates, Collectors of Revenue and of Customs, Commercial Agents, and Police officers, as shall be vested, by order of the Governor General in Council with special authority; and the Board of Trade are to report what Magistrates, &c. should be invested with such special authority. *Beng. Ben.* 1801 *R.* 12. § 2.

A. D. 1803 Rescinded 1804 R. 6 § 2 23. The control of the business of the Salt Department in the Ceded Provinces shall be exercised by the Board of Trade, subject to the orders of the Governor General in Council. *Ced. Prov.* 1803 *R.* 39. § 4.

24. Salt shall not be imported into the Ceded Provinces without the sanction of Government, under penalty of confiscation. *Ced. Prov.* 1803 *R.* 39. § 2. A. D. 1803 Rescinded 1804 R. 6 § 8

25. Nor manufactured there without such sanction, under the like penalty. *Ced. Prov.* 1803 *R.* 39 § 3. ditto

26. Europeans are prohibited from purchasing salt at the public sales in the Ceded Provinces, under penalty of being dealt with as the Governor General in Council may judge proper. *Ced. Prov.* 1803 *R.* 39. § 19. Re-enacted 1804 R. 6 § 5

27. The Governor General in Council may order the disposal of the salt now in the possession of Government in the Ceded Provinces. *Ced. Prov.* 1804 *R.* 6. § 3. A. D. 1804

28. Such salt is to be disposed of, as the Governor General in Council shall direct. *Ced. Prov.* 1804 *R.* 6. § 11.

29. Europeans are prohibited from trading in salt, under penalty of being dealt with as the Governor General in Council may judge proper. *Ced. Prov.* 1804 *R.* 6. § 5.

HOMICIDE.

1. Magistrates are to apprehend all murderers. *Beng.* 1793 *R.* 9. § 4. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 4. A. D. 1793

2. Invalided Sepoys, charged with murder, shall be sent by the Regulating Officer to the Magistrate, who is to proceed with them as with other persons similarly charged. *Beng.* 1793 *R.* 43. § 20.

3. Police officers shall apprehend murderers on a written charge being preferred, and shall send them in twenty-four hours to the Magistrate. *Beng.* 1793 *R.* 22. § 7. *Ben.* 1795 *R.* 17. § 7. *Ced. Prov.* 1803 *R.* 35. § 7.

4. Kotwals and Daroghas of cities shall apprehend such offenders, and bring them the next morning before the Magistrate. *Beng.* 1793 *R.* 22. § 31. *Ben.* 1795 *R.* 17. § 7.

5. Village watchmen shall apprehend them and deliver them to the Darogha. *Beng.* 1793 *R.* 22 § 14. *Ben* 1795 *R.* 17. § 14. *Ced. Prov.* 1803 *R* 35. § 14.

6. Persons, committed for trial before the Court of Circuit on a charge of murder, shall not be bailed. *Beng.* 1793 *R* 9. § 7. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 7.

7. If any person be killed in an attempt to take possession of land or crops by force, the claimant shall be made to restore the land, crops or value; and shall forfeit his

right

4. R. 1793 right to the disputed property; and shall be committed for trial before the Court of Circuit together with all parties aiding and assisting him. *Beng.* 1793 *R.* 49. § 4. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 4.

8. And if the claimant be not present, he shall nevertheless be made to restore the land, crops or value; and the parties, actually present, shall be proceeded against as above; and the claimant, if the attempt be proved to have been made with his orders, knowledge, or connivance, shall forfeit his right and be similarly proceeded against. *Beng.* 1793 *R.* 49. § 5. ext. *Ben.* 1795 *R.* 14 § 2. *Ced. Prov.* 1803 *R.* 32. § 5.

9. If any person be killed in consequence of the party in possession arming himself to oppose such an attempt, the property shall be forfeited to Government and both claimants, with all parties present and assisting, shall be committed as above. *Beng.* 1793 *R.* 49. § 6. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 6.

10. On trials for murder, the Futwa of the law officers in the Circuit Court shall be according to the doctrines of Yusef and Muhamed. *Beng.* 1793 *R.* 9. § 50. ext. *Ben* 1795 *R.* 16 § 22. *Ced. Prov.* 1803 *R.* 7. § 19.

11. Also in the Nizamut Adaulut: but this Court shall not adhere to the distinctions as to the mode of perpetration; but shall determine the punishment on the intention of the criminal, inferrible from the case, not on the mode or instrument of perpetration except as evidence of the intent. *Beng.* 1793 *R.* 9. § 75. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 1.

Rescinded 1797 R. 4 § 3 12. On a conviction of murder, the Court shall make a reference to the heir of the slain, as prescribed by the Muhamedan law, to ascertain whether the heir require Kissas (retaliation), or Deyut (price of blood); or whether he pardon the murderer, and the Court shall transmit the record of the trial to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 92. ext. *Ben.* 1795 *R.* 16. § 22.

Re-enacted 1797 R 4 § 4 13. Who, if the prisoner be declared liable to suffer death by the law, in case of the heir requiring it, and if they approve of the proceedings, shall sentence the murderer to suffer death, although the heir should pardon him or require Deyut. *Beng.* 1793 *R.* 9. § 76. ext. *Ben.* 1795 *R.* 16. § 22.

Re-enacted 1794 R 4 § 3 14. In cases of murder, if the heir of the slain refuse to prosecute or do not attend, or communicate his intention of pardoning the murderer, or be not of legal age, the trial shall proceed as if there had been no heir; and the Futwa shall declare what would have been the law if the heir had been of age and had attended and prosecuted: and the Nizamut Adaulut, to whom the trial shall be sent, is to pass the same sentence as if the heir had

had been of age and had attended and prosecuted. *Beng.* 1793 *R.* 9. § 55. ext. *Ben.* 1795 *R.* 16. § 22. A. D. 1793

15. Brahmens in Benares, establishing a Koorh, against the officers of Government, in which any person shall be burnt to death or otherwise lose his life, are to be held guilty of murder; as also the party employed or aiding in setting fire to it: and on conviction, shall be sentenced to death by the Court of Circuit; but the trial shall be reported to the Nizamut Adaulut, who, if satisfied of their guilt, shall sentence them to transportation. *Ben.* 1795 *R.* 21. § 7. A. D. 1795

16. Brahmens, putting to death any woman or child in resentment to the officers of Government or to individuals, shall be held guilty of murder: and a similar reference and sentence shall take place; together with forfeiture of the whole landed property of such Brahmens and banishment of their families, subject to the final orders of the Governor General in Council, respecting the forfeiture and banishment. *Ben.* 1795 *R.* 21. § 9.

17. But no forfeiture shall take place if none, or a part only, of the family be banished. *Ben.* 1795 *R.* 21. § 10.

18. Rajkomars in Benares, designedly causing the death of their female infants by starving or otherwise, shall be held guilty of murder. *Ben.* 1795 *R.* 21. § 13. *Ced. Prov.* 1804 *R.* 3. § 11.

19. When the Nizamut Adaulut, on report of a Magistrate or Court of Circuit, shall think that the pardon of one or more accessaries (in a murder committed by several persons,) on condition of full disclosure, may lead to the apprehension and conviction of the principals, the Court shall submit the case to the Governor General in Council, who may authorize an offer of pardon, which the Nizamut Adaulut shall confirm by a certificate under their seal and the signature of their Register on the condition being fulfilled. *Beng. Ben.* 1796 *R.* 6. § 3. *Ced. Prov.* 1803 *R.* 8. § 20. A. D. 1796

20. Courts of Circuit and Magistrates are to report to the Nizamut Adaulut whenever they deem such offer of pardon expedient, communicating all information respecting the case and the measures already taken for the apprehension of the offenders. *Beng. Ben.* 1796 *R.* 6. § 4. *Ced. Prov.* 1803 *R.* 8. § 21.

21. On a trial for murder, the law officer shall be required to declare in writing on the record of the proceedings whether the prisoner be convicted or not; if the law officer acquit the prisoner, the Judge of Circuit shall immediately discharge him unless he disapprove of the verdict, in which case he shall refer the trial to the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 2. A. D. 1797

A. D. 1797.

22. If the law officer convict the prisoner of wilful murder, no reference shall be made to the heir of the slain; but the law officer shall be again required to declare in writing on the record what would be the punishment according to the Muhamedan law, supposing all the heirs of the slain, entitled to prosecute, had prosecuted at an age competent to demand Kissas; and whatever be the Futwa thereon, the trial shall be referred to the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 2.

Modified 1802 R. 8 § 6

23. If the law officer convict the prisoner of homicide other than wilful, he shall declare the prescribed penalty for it according to the Muhamedan law; and if the Futwa award Deyut, the Court of Circuit is to commute it for such imprisonment as the Court may deem adequate: such trials need not be sent to the Nizamut Adaulut, unless the imprisonment be for life, or the Court of Circuit disapprove of the Futwa. *Beng. Ben.* 1797 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 2.

24. On the reference of such trials to the Nizamut Adaulut, the law officers of that Court shall, in writing their Futwa, assume always, that all the heirs of the slain prosecuted at a competent age and demanded Kissas, and shall state their reasons when they think a prisoner not convicted of wilful murder, and whether they deem him altogether innocent or guilty of any other homicide: the Nizamut Adaulut shall pass sentence conformably to the Muhamedan law, with the exceptions and modifications authorized by the Regulations. *Beng. Ben.* 1797 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 8. § 11.

25. If any person or persons put another to death on the ground of his or her being versed in sorcery or on any other grounds, it shall be deemed murder; and all persons forming themselves into an assembly or causing an assembly to be held for the trial of any person on a charge of sorcery or on any other charge, if any person be in consequence put to death, shall be deemed accomplices in murder. *Beng. Ben.* 1797 *R.* 4. § 6. *Ced. Prov.* 1803 *R.* 7. § 34.

Modified 1803 R. 53 § 8

26. Persons, sentenced to an imprisonment of seven years or upwards for murder, may be transported beyond sea by order of the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 4 § 10.

27. Police officers, on receiving notice of a person dying an unnatural death, shall proceed to the spot. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 1. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 1.

28. Shall ascertain the number, length, depth, and breadth, of the wounds on the body, with what weapon and on what part inflicted. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 2.

29.

29. Shall describe the place where the body was found, and whether it appear to have been killed there or brought thither, and shall ascertain the name of the deceased if it be known. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 3. A. D. 1797

30. Shall endeavour to learn where he was last seen, and where he slept the preceding night, if he be a stranger and his name unknown. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 4. *Ced. Prov.* 1803 *R.* 35. § 9. *C.* 4.

31. And shall make their inquiries in presence of creditable neighbours, requiring them to attest a written narrative, which they and their Mohurrers shall also attest and send without delay to the Magistrate. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 5. *Ced. Prov.* 1803 *R.* 35. § 25. *C* 5.

32. When the Nizamut Adaulut deem a prisoner fully convicted of murder, they shall sentence him to death, although the Futwa should not award it in consequence of the prisoner's being related to the slain or to one of the heirs of the slain, or in consequence of the slain having been a slave, or on any similar ground of personal distinction. *Beng. Ben.* 1799 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 15. A. D. 1799

33. Or on the grounds of the prisoner having been requested by the deceased to put him or her to death. *Beng. Ben.* 1799 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 16.

34. Or of one or more of the prisoner's acomplices being exempted from Kissas. *Beng. Ben.* 1799 *R.* 8. § 4. *Ced. Prov* 1803 *R.* 8. § 17.

35. In homicides by poison or drowning, the distinction of the Muhamedan law shall not be adhered to; but the Nizamut Adaulut shall sentence the prisoner to death, whatever be the Futwa, if the intention of drowning or poisoning be evident. *Beng. Ben.* 1799 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 1.

36. The Nizamut Adaulut may sentence to death accomplices in wilful murder, if fully convicted and deemed deserving of it, whether the Futwa award it or not. *Beng. Ben.* 1799 *R.* 8. § 4. *Ced. Prov.* 1803 *R.* 8. § 17.

37. A person, accidentally killing one individual in prosecution of the intention to murder another, shall be held guilty of murder and sentenced to suffer death by the Nizamut Adaulut, unless deemed an object of mercy. *Beng. Ben.* 1801 *R.* 8. § 2. *Ced Prov* 1803 *R.* 8. § 10. *C.* 2. A. D. 1801

38. Also a person committing a homicide in the deliberate intention of committing some other crime, which, if committed, would have rendered him liable to a sentence of death. *Beng. Ben.* 1801 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 3.

39.

A. D. 1821 39. The law officers shall, on such trials, declare what would have been the punishment if the crime intended had been committed and all such trials shall be sent to the Nizamut Adaulut. *Beng. Ben.* 1801 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 2.

40. In homicides which may clearly appear to have been committed by misadventure in the prosecution of a lawful act without any malignant intention, the Court of Circuit shall not sentence the prisoner to imprisonment, nor to any other punishment, though the Futwa should award Deyut. *Beng. Ben.* 1801 *R.* 8. § 6. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 6.

A. D. 1802 41. Persons wilfully, with the intention of taking away life, throwing or causing to be thrown into the sea or a river, any infant with or without its consent, shall, if the child be drowned or lose its life in consequence, be deemed guilty of wilful murder and sentenced to death by the Nizamut Adaulut, whatever be the Futwa, unless deemed deserving of mercy. *Beng. Ben.* 1802 *R.* 6. § 2.

A. D. 1823 42. The Police officers shall endeavour to secure the instrument with which the murder may appear to have been committed, in order to its production on the trial. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 6.

43. Leaders of gangs by whom a murder shall be committed, and persons actively concerned in such murder or in any murder attending a robbery or an attempt to rob, and persons present, aiding and abetting in such murder, or, though not present, procuring and causing such murder by preconcerted plan, shall be adjudged to death. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 1.

44. Persons, convicted as principals or accomplices of murder in prosecution of an original intention to commit theft, shall be liable to the same punishment. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 5. *C.* 2.

A. D. 1805 45. Watchmen, guards or Police officers of every description, convicted of aiding or abetting in a robbery or attempt to rob, or of procuring and causing it by counsel, hire or command, shall be liable to suffer death if any person have been murdered. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 4.

46. Persons, charged with murder before the Magistrates of Chandernagore and Chinsura, are not to be bailed. *Beng.* 1805 *R.* 16. § 5.

HOUSE-BREAKING.

A. D. 1793 1. Magistrates are to apprehend all house-breakers. *Beng.* 1793 *R.* 9. § 4. ext. *Ben.* 1795 *R.* 16. § 4 *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 4.

2. Invalided Sepoys, charged with house-breaking, shall be sent by the Regulating Officer to the Magistrate, who shall proceed with them as with other persons similarly charged. *Beng.* 1793 *R.* 43. § 20. A. D. 1793

3. Persons, committed for trial before the Court of Circuit on a charge of house-breaking, shall not be bailed. *Beng.* 1793 *R.* 9. § 7. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 7.

4. Police officers shall apprehend house-breakers on a written charge being preferred and shall send them in twenty-four hours to the Magistrate. *Beng.* 1793 *R.* 22. § 7. *Ben.* 1795 *R.* 17. § 7. *Ced. Prov.* 1803 *R.* 35. § 7.

5. Village watchmen shall apprehend them and send them to the Darogha. *Beng.* 1793 *R.* 22. § 14. *Ben.* 1795 *R.* 17. § 14. *Ced. Prov.* 1803 *R.* 35. § 14.

6. Kotwals and Daroghas of cities shall apprehend and bring them the next morning before the Magistrate. *Beng.* 1793 *R.* 22. § 31. *Ben.* 1795 *R.* 17. § 29.

7. Persons, sentenced to an imprisonment of seven years or upwards for robbing or plundering houses, may be transported beyond sea by order of the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 4. § 10. A. D. 1797 Rescinded 1803 R. 12 § 9

8. The Regulation for punishing robbery is not applicable to secret theft, or larceny without open violence, whether or not accompanied with burglary, nor to simple theft from the person or house unaccompanied with aggravating circumstances. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 5. *C.* 1. A. D. 1803

9. But, though the entry may have been without violence, if any person shall, after having entered, be guilty of murder or of any other criminal act of violence in prosecution of the intention to commit theft, the parties convicted shall be liable to the same punishments which have been declared in Section 4, Regulation 53 of 1803, for robbery by open violence. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 5. *C.* 2.

10. These punishments are death on all leaders of gangs by whom a murder shall be committed, and on persons actively concerned or present aiding and abetting, or though not present procuring and causing such murder by preconcerted plan. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 1.

11. Imprisonment and transportation for life on leaders of gangs, when any person is wounded, maimed, burnt or otherwise personally injured, or a house is burnt, or other aggravating act committed; and on persons actively concerned, or present, aiding and abetting, or though not present, procuring or causing such acts by preconcerted plan.

A. D. 1803 plan: but leaders or heinous offenders may be adjudged to death if convicted of a repetition of the offence, or of such a degree of enormity as may be punishable with death, under the legal discretion of Seasut and may appear to the Nizamut Adaulut deserving of death. *Beng. Reg. Ced. Prov.* 1803 *R.* 35. § 4. *C.* 2. 3.

A. D. 1805 12 Watchmen, guards or Police officers of every description, convicted of clear and direct connivance at burglary, shall be liable to suffer any punishment in the discretion of the Court of Circuit or the Nizamut Adaulut, not exceeding the limitations in Clause 7, Section 2 and Clause 3, Section 7, Regulation 58 of 1803. *Beng. Reg. Ced. Prov.* 1805 *R.* 3. § 6.

13. Persons, charged with burglary before the Magistrates of Chinsura and Chandernagore, are not to be bailed. *Beng.* 1805 *R.* 16. § 5.

HUE AND CRY.

A. D. 1793 1. Police officers may apprehend, without a warrant, persons against whom a general hue and cry shall have been raised. *Beng.* 1793 *R.* 22. § 8. *Ben.* 1795 *R.* 17 § 8. *Ced. Prov.* 1803 *R.* 35. § 8.

2. Village watchmen shall apprehend them and deliver them to the Darogha. *Beng.* 1793 *R.* 22. § 14. *Ben.* 1795 *R.* 17. § 14. *Ced. Prov.* 1803 *R.* 35. § 14.

3. A concurrent jurisdiction is vested in the several Magistrates and their respective Police officers. The Police officers of one Magistrate may, with or without his warrant, pursue into the jurisdiction of other Police officers and of other Magistrates persons who have committed crimes in their jurisdiction, or who while residing in their jurisdiction are charged with crimes committed in another jurisdiction; Magistrates, Police officers, landholders, farmers, Gomashtas of villages, cultivators of land, and all persons having authority or residing in the jurisdiction into which offenders are pursued, shall afford every assistance for their apprehension. But Magistrates and Police officers shall not issue a warrant for the apprehension of any person not residing in their jurisdiction at the time of the charge being made, for any crime not committed in their jurisdiction. *Beng.* 1793 *R.* 22. § 16. *Ben.* 1795 *R.* 17. § 15. *Ced. Prov.* 1803 *R.* 35. § 16.

4. Police officers of one Magistrate, who apprehend offenders in the jurisdiction of another Magistrate, shall deliver to the Police officer of the jurisdiction wherein the offenders are apprehended a list of their names and a statement of their crime. *Beng.* 1793 *R.* 22. § 17. *Ben.* 1795 *R.* 17. § 16. *Ced. Prov.* 1803 *R.* 35. § 17.

JAILS

JAIL AND JAIL DELIVERIES.

I. RULES RELATING TO THE JAIL.

1. The Magistrate is to visit the jail once at least [illegible] to receive complaints, to be attentive to the health and cleanliness of the prisoners and to see that the Surgeon attends the sick. *Beng.* 1793 *R.* 9. § 20. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 20. A. D. 1793

2. And is to prevent drunkenness, gaming and other [illegible] in the jails. *Beng.* 1793 *R.* 9. § 21. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 21.

3. Separate apartments are to be allotted in the jail for prisoners under sentence of death, prisoners under sentence of imprisonment by the Courts of Circuit and the Nizamut Adaulut, prisoners committed for trial before the Courts of Circuit, prisoners under sentence by the Magistrate. The more heinous offenders are further to be separated from the others, and the males from the females. *Beng.* 1793 *R.* 9. § 21. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 21.

4. The Circuit Judges are to visit the jail of each station during the jail delivery, and the jails of the home Zillas and cities once in every three months or oftener, and issue to the Magistrates such orders as may appear proper for the better treatment of the prisoners. *Beng.* 1793 *R.* 9. § 62. *Ben.* 1795 *R.* 16. § 12. *Ced. Prov.* 1803 *R.* 7. § 32.

5. At the close of each of the half yearly jail deliveries, the Courts of Circuit are to report to the Nizamut Adaulut, the state of the jails and the treatment and employment of the convicts. *Beng. Ben.* 1797 *R.* 4. § 12. *Ced. Prov.* 1803 *R.* 7. § 37. A. D. 1797

II. PERIODS FOR HOLDING THE JAIL DELIVERIES.

1. Two half yearly jail deliveries are to be held for the out Zillas, until April and 1st November. *Beng.* 1793 *R.* 9. § 40. *Ben.* 1795 *R.* 16. § 13. A. D. 1793 Re-enacted 1795 *R.* 3. § 13.

2. The jail delivery of the home Zillas and cities is to be held by the Patna, Dacca and Moorshedabad Courts, after the conclusion of the out circuit, and afterwards monthly till the commencement of the next circuit. *Beng.* 1793 *R.* 9. § 40. Re-enacted 1794 *R.* 7. § 9

A. D. 1793 Re-enacted 1794 R. 7. § 13

3. The Calcutta Court is similarly to hold the jail delivery of Zilla Twenty-four Pergunnas. *Beng.* 1793 *R.* 9. § 45.

ditto § 5

4. The two divisions are to proceed to the several stations in a prescribed order. *Beng.* 1793 *R.* 9. § 41.

ditto § 6

5. Each division shall proceed to the several stations alternately, and never twice successively to the same. *Beng.* 1793 *R.* 9. § 42.

A. D. 1794 Re-enacted 1797 R. 3 § 4

6. The jail delivery of the home Zillas and cities is to be held by the Patna, Dacca and Moorshedabad Courts, after the completion of the out Circuit, and afterwards monthly till the commencement of the next Circuit. *Beng.* 1794 *R.* 7. § 9.

ditto

7. The Calcutta Court is similarly to hold the jail deliveries of Zilla Twenty-four Pergunnas. *Beng.* 1794 *R.* 7. § 11.

ditto § 4

8. The two divisions are to proceed to the several stations in a prescribed order. *Beng.* 1794 *R.* 7. § 5.

ditto

9. Each Judge is to proceed to the several Zillas alternately, and never twice successively to the same. *Beng.* 1794 *R.* 7. § 6. *Ben.* 1795 *R.* 16. § 17.

A. D. 1795 ditto

10. The two divisions of the Benares Court of Circuit are to proceed to the stations of Juanpoor and Ghazeepoor; and Mirzapoor. *Ben.* 1795 *R.* 16 § 16.

ditto

11. The jail delivery of the Zilla of Hooglee is to be held by the division of the Calcutta Court of Circuit which proceeds to Nuddea and Jessore. *Ben.* 1795 *R.* 36. § [illegible].

A. D. 1796 Re-enacted 1797 R. 3 § 3

12. The jail deliveries of the Zillas in the Dacca division are to be held on the 1st January and 1st July. *Beng.* 1796 *R.* 6. § 6.

A. D. 1797 Modified 1804 R. 2 § 3

13. The half yearly jail deliveries for the out Zillas, except in the division of Dacca, are to commence on the 1st March and 1st October. *Beng. Ben.* 1797 *R.* 3 § 3. *C.* 1.

14. The half yearly jail deliveries of the Dacca division are to continue to be held on 1st January and 1st July. *Beng.* 1797 *R.* 3. § 3. *C.* 2.

15. One Court only shall be formed, which shall proceed to all the stations of the division. *Beng. Ben.* 1797 *R.* 3. § 2. *Ced. Prov.* 1803 *R.* 7. § 12.

Modified 1797 R. 3 § 5

16. The Court on its return shall hold the jail delivery of the home Zillas and cities. *Beng. Ben.* 1797 *R.* 3. § 4

17. The jail delivery of the Zilla of Bakurgunj, is to be held by the Dacca Court of Circuit at Bakurgunj. *Beng.* 1797 *R.* 7. § 2.

18.

18. And when the station of the Zilla of Jelalpoor shall have been removed to any place ordered by Government, the Dacca Court of Circuit shall hold half yearly jail deliveries for it at such station. *Beng.* 1799 *R.* 7. § 3. A. D. 1797

19. The commencement of the half yearly jail deliveries is to be postponed for as long as the Magistrate of the Zilla, where the first jail delivery is to hold, may, on reference from the Court of Circuit, report to be necessary, in consequence of its falling within the period of the Dus-hura or Moharrum adjournment; but, after a Circuit shall have commenced, no jail delivery shall be postponed on such account. *Beng. Ben.* 1798 *R.* 3. § 4. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 2. A. D. 1798

20. The jail deliveries of home Zillas and cities are to be held half yearly, like the out Zillas. *Beng. Ben.* 1798 *R.* 3. § 5. Re enacted 1799 R. 2 § 2

21. The jail deliveries of the several Zillas and cities are to be held in a fixed order of succession, without any deviation, unless authorized by the Nizamut Adaulut on a report of particular circumstances. *Beng. Ben.* 1798 *R.* 3. § 6. Modified 1803 R. 2 § 7 1805 R. 1 § 4 sum 5

22. Before the second and third Judges of the Court alternately. *Beng. Ben.* 1798 *R.* 3. § 7.

23. Jail deliveries of the Cities of Patna, Dacca and Moorshedabad, are to be held monthly at the commencement of each month. *Beng.* 1799 *R.* 2. § 2. A. D. 1799

24. The same rules are to be observed in the monthly jail deliveries of the City of Benares. *Ben.* 1799 *R.* 2. § 4.

25. Two half yearly jail deliveries in the Ceded Provinces are to be held for all the Zillas on 1st January and 1st July. *Ced. Prov.* 1803 *R.* 7. § 11. A. D. 1803

26. The jail deliveries of the Zillas in the Calcutta Circuit are to commence on the 1st April and 1st October; in the Moorshedabad Circuit, on the 1st March and 1st September; in the Patna Circuit, on the 1st June and 1st December; in the Benares Circuit, on the 1st January and 1st July. *Beng. Ben.* 1804 *R.* 2. § 3. A. D. 1804

27. Jail deliveries for Zilla Twenty-four Pergunnas, (at the commencement of the month) and for Zilla Jelalpoor, (immediately after the monthly jail delivery of the City of Dacca), are to be held quarterly in the months of March, June, September and December; and for Zilla Moorshedabad (immediately after the jail delivery of the City of Moorshedabad) in the months of February, May, August and November. *Beng.* 1804 *R.* 2. § 4.

28. The jail deliveries for the City of Benares are to be held monthly under the provisions of Regulation 2 of 1799. *Ben.* 1804 *R.* 2. § 5.

A. D. 1804

29. If the commencement of a quarterly or half yearly jail delivery should fall within either of the authorized adjournments of the Courts, it must be postponed under Section 4, Regulation 3 of 1798. *Beng. Ben.* 1804 *R.* 2. § 6.

30. The jail deliveries of the Patna Circuit are to be made in the following order—1st; Ramghur—2d; Behar—3d; Tirhoot—4th; Sarun—5th; Shahabad. *Beng.* 1804 *R.* 2. § 7. *C.* 2.

Modified 1806 R. 1 § 4

31. And of the Calcutta Circuit in the following order—1st; Beerbhoom—2d; Burdwan—3d; Midnapoor—4th; Jessore—5th; Nuddea—6th; Hooglee. *Beng.* 1804 *R.* 2. § 7. *C.* 2.

32. The Nizamut Adaulut may, with the sanction of the Governor General in Council, authorize a special deviation from the rules prescribed for holding any monthly, quarterly, or half yearly, jail delivery. *Beng. Ben.* 1804 *R.* 2. § 8.

ditto § 4

33. Two jail deliveries are to be held annually by one of the Judges of the Calcutta Court of Circuit for Zilla Cattack at such periods and places as the Nizamut Adaulut may prescribe. *Beng.* 1804 *R.* 4. § 2.

ditto § 5

34. And for the Conquered Provinces, by one of the Judges of the Barellee Court of Circuit; and for Zilla Bundelkhund, by one of the Judges of the Benares Court of Circuit. *Ben. Ced. Prov.* 1804 *R.* 9. § 5.

A. D. 1805

35. The jail delivery of Zilla Barellee is to be held monthly, at the commencement of each month. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 3.

Modified 1806 R. 1 § 4

36. Two jail deliveries for Chandernagore and Chinsura shall be held annually by one of the Judges of the Calcutta Court of Circuit, immediately after the jail delivery for Zilla Hooglee. *Beng.* 1805 *R.* 16. § 7.

ditto

37. The half yearly jail deliveries for the Jungul Mehals shall be held by the Calcutta Court of Circuit at such periods and place as the Nizamut Adaulut may direct. *Beng.* 1805 *R.* 18. § 8.

A. D. 1806

38. The Calcutta Court of Circuit is to hold the half yearly jail deliveries in the following order—1st; Burdwan—2d; Jungul Mehals—3d; Midnapoor—4th; Cuttack—5th; Jessore—6th; Nuddea—7th; Hooglee—8th; Chinsura and Chandernagore. The Moorshedabad Court, in the following order—1st; Bhauglepoor—2d; Purnea—3d; Dinajpoor—4th; Rungpoor—5th; Rajshahee—6th; Beerbhoom. *Beng.* 1806 *R.* 1. § 4.

39. The Benares Court in the following order—1st; Mirzapoor—2d; Allahabad—3d; Bundelkhund—4th; Juanpoor—5th; Gorukpoor. The Barellee Court—1st; Cawnpoor—2d; Furrukhabad—3d; Etawa—4th; Agra—5th; Allighur—6th; South Zilla of Saharunpoor—7th; North Zilla of Sahasunpoor—8th; Moradabad. *Ben. Ced. Prov.* 1806 *R.* 1. § 5. A. D. 1806

40. The Nizamut Adaulut with the sanction of the Governor General in Council may allow any deviation in the above and all other rules respecting jail deliveries. *Beng. Ben. Ced. Prov.* 1806 *R.* 1. § 6.

41. And may postpone the session of any Zilla or city, if there should be no commitments; or may order, with the sanction of the Governor General, the prisoners committed in one Zilla to be brought to trial in any adjacent Zilla; in which case the prisoners and proceedings shall be transmitted by the Magistrate, who committed them, to the Magistrate of such other Zilla; and the latter shall execute all orders of the Circuit Court relating to such prisoners, if the Circuit Court should direct them to him. *Beng. Ben. Ced. Prov.* 1806 *R.* 1. § 7.

III. *BEFORE WHOM THE JAIL DELIVERIES SHALL BE HELD.*

1. The Judges of the Court of Circuit are to proceed to the station of the Zilla Magistrates, and remain there until all trials, unless postponed, shall be completed, and sentence passed, or the trial referred to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 40. *Ben.* 1795 *R.* 16. § 13. *Ced. Prov.* 1803 *R.* 7. § 11. A. D. 1793

2. Each Court is to form two divisions; one, under the senior Judge with the Register and Muftee; and the other, under the second and third Judges with the senior Assistant and Cazee. *Beng.* 1793 *R.* 9. § 41. Modified 1794 R. 7 § 3

3. The Judge, who still returns, is to commence the jail delivery of the home Zilla and City; and the other Judges on their return are to take their seats in Court. *Beng.* 1793 *R.* 9. § 46. ditto § 9.

4. One Judge is sufficient to hold a jail delivery; if the senior Judge be unable to proceed on Circuit, the second Judge shall proceed in his stead, and the third Judge shall proceed alone; and if the third Judge be unable to proceed, the second Judge shall proceed alone; but no Judge shall omit proceeding on Circuit unless prevented by unavoidable impediment, immediate report of which shall be made to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 43. *ex. Ben.* 1795 *R.* 16. § 12. *Ced. Prov.* 1803 *R.* 7. § 32. ditto § 7 & 3

A. D. 1793. Re-enacted 1794 R. 7 § 9

5. The Court of jail delivery is never to sit on a Sunday. *Beng.* 1793 *R.* 9. § 44.

A. D. 1794

6. Sections 41 to 46, Regulation 9 of 1793, for the jail deliveries, are rescinded. *Beng.* 1794 *R.* 7. § 2.

Modified 1797 R. 3 § 2

7. Each Court is to form two divisions, superintended each by one Judge only; one to be accompanied by the Register and Cazee, and the other by an Assistant and the Mufree; unless the Court shall order the Register and Assistants to remain at the Sudder station. *Beng.* 1794 *R.* 7. § 3. *Ben.* 1795 *R.* 16. § 14.

ditto

8. The other Judge is to remain at the Sudder station. 1794 *R.* 7. § 4. *C.* 1. *Ben.* 1795 *R.* 16. § 15. *C.* 1.

ditto

9. Each Judge in turn. *Beng.* 1794 *R.* 7. § 4. *C.* 2. *Ben.* 1795 *R.* 16. § 15. *C.* 2.

10. But these rules may be dispensed with by the Nizamut Adaulut. *Beng.* 1794 *R.* 7. § 6. *Ben.* 1795 *R.* 16. § 17.

Modified 1796 R. 9 § 2

11. The Judge, who first returns, is to hold the jail delivery of the home Zillas and Cities; and monthly jail deliveries shall be afterwards held till the commencement of the next circuit. *Beng.* 1794 *R.* 7. § 9. *Ben.* 1795 *R.* 16. § 19.

ditto

12. The monthly jail deliveries of the home Zillas and Cities shall be before one Judge in rotation. *Beng.* 1794 *R.* 7. § 10. *Ben.* 1795 *R.* 16. § 20.

ditto

13. If only two Judges be present at the Sudder station, the monthly jail deliveries of home Zillas and Cities are to be held on alternate days, or at such hours as may enable the Judge to sit also on appeals. *Beng.* 1794 *R.* 7. § 13. ext. *Ben.* 1795 *R.* 16. § 21.

14. No Judge shall omit to go the circuit in his turn, unless from unavoidable impediment, the earliest notice of which shall be given to the Nizamut Adaulut. *Beng.* 1794 *R.* 7. § 7. ext. *Ben.* 1795 *R.* 16. § 18. *Cod. Pres.* 1803 *R.* 7. § 31.

15. If only two Judges be present or able to proceed on circuit, they shall proceed accordingly. *Beng.* 1794 *R.* 7. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 16. § 18.

16. If a Judge die or be indisposed in circuit, the Governor General in Council will make provision for completing the circuit. *Beng.* 1794 *R.* 7. § 8. *C.* 2. ext. *Ben.* 1795 *R.* 16. § 18. *Cod. Pres.* [illegible]

Re-enacted 1797 R. 4 § 8

17. In case of the absence or [illegible] to proceed on circuit of a law officer, the Court [illegible] or City for which

which the jail delivery is held. *Beng.* 1794 *R.* 7. § 14. ext. *Ben.* 1795 *R.* 16. § 21. *Ced. Prov.* 1803 *R.* 7. § 24. A. D. 1794

18. One Court only shall be formed under the superintendence of the second and third Judges alternately, attended by the Cazee and Mufree alternately; which shall proceed to all the stations of the division. *Beng. Ben.* 1797 *R.* 3. § 2. *Ced. Prov.* 1803 *R.* 7. § 12. A. D. 1797 Modified 1806 R. 1. § 8

19. In case of the death of the Judge whose turn it is to proceed on circuit, or of his inability to perform his functions, the earliest notice shall be given to the Governor General in Council. *Beng. Ben.* 1797 *R.* 3. § 6. *Ced. Prov.* 1803 *R.* 7. § 14.

20. In case of a law officer's inability to perform his functions, the Zilla or City law officer shall officiate for him. *Beng. Ben.* 1797 *R.* 4. § 8. *Ced. Prov.* 1803 *R.* 7. § 24.

21. The monthly jail deliveries of cities shall be held before the second and third Judges alternately while both are present; when only one of them is present besides the senior Judge, he shall hold the jail delivery on such days or in such manner as may cause the least impediment to the appeal business. *Beng. Ben.* 1799 *R.* 2. § 2. A. D. 1799 Modified 1806 R. 1. § 8

22. When neither the second nor third Judge, nor a law officer, is present, the jail delivery is to be postponed till the return of a Judge and law officer; and whenever, from whatever cause, a monthly jail delivery cannot take place, a report is to be made to the Nizamut Adaulut, who may authorize the senior Judge to hold it in such manner as not to impede his duties in the Court of Appeal. *Beng. Ben.* 1799 *R.* 2. § 3. ditto

23. The quarterly jail deliveries for Zillas Twenty-four Pergunnas and Jelalpoor, and Moorshedabad, shall be held before the second and third Judges alternately, or before the senior Judge present, if only one, on such days or in such manner as may cause the least impediment to the appeal business. *Beng.* 1804 *R.* 2. § 4. A. D. 1804 ditto

24. If neither of the junior Judges be present or able to hold a quarterly jail delivery, the Nizamut Adaulut may authorize the senior Judge to hold it, and if neither law officer be present, the Zilla law officer shall officiate. *Beng.* 1804 *R.* 2. § 5. ditto

25. The jail delivery of Zilla Barellee is to be held monthly at the commencement of each month before the second and third Judges alternately, or before the junior Judge present if only one, on the days whereon the Appeal Court may not sit. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 3. A. D. 1805 ditto

26. If neither of the junior Judges be present or able to hold the monthly jail delivery for Zilla Barellee, the Nizamut Adaulut may authorize the senior Judge to hold it. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 4. ditto

A. D. 1806

27. The senior Judges of the Circuit Courts shall proceed on the half yearly jail deliveries in rotation with the other Judges, unless prevented by indisposition, when the Governor General in Council, on receiving information through the Nizamut Adaulut, will make provision for the case. The senior Judge is also in his turn to hold the monthly jail deliveries: and, in case of the indisposition of the Judge whose turn it is to hold a monthly jail delivery, the Nizamut Adaulut may authorize any other Judge to hold it. *Beng. Ben. Ced. Prov.* 1806 *R.* 1. § 8.

28. During the absence of the senior Judge, the Judge next in rank, or, if only one Judge be present, such Judge, shall perform the duties of the senior Judge. *Beng. Ben. Ced. Prov.* 1806 *R.* 1. § 9.

JOINT TENANCY.

A. D. 1793

1. Disqualified handholders, who are partners in a joint estate with others not disqualified, are to engage for their estates and elect a manager under the following restrictions. *Beng.* 1793 *R.* 8. § 20.

Rescinded Beng. 1805 R. 17 § 8

2. The settlement of a joint undivided estate, if all the proprietors be not disqualified, shall be made with all the proprietors jointly, and they shall be required to elect a manager who is to have the exclusive management of the lands: the manager is to be elected by the majority of the voters present; or, if the votes be equal, by the greater interest of the voters; or, if the votes and interest be both equal, the manager is to be appointed by the Board of Revenue. *Beng.* 1793 *R.* 8. § 23. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 2.

3. The guardians of lunatics, minors, idiots, and others having guardians, are to vote in the election. *Beng.* 1793 *R.* 8. § 24. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 2.

Ditto

4. If the proprietors neglect to appoint a manager, the Collector is to nominate him for the approbation of the Board; and such manager, when confirmed by the Board, shall have the exclusive management; but the expense and responsibility of such manager is to rest with the proprietors. *Beng.* 1793 *R.* 8. § 25. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 3

5. The determination of the majority is to be similarly binding on the rest in agreeing or disagreeing to the Jumma proposed for joint estates; but any sharer, dissatisfied, may obtain a division of the estate at his own expense. *Beng.* 1793 *R.* 8. § 26. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 4.

6. If an estate be recorded as joint, but each proprietor have separate possession of his share, a separate settlement is to be made for each share with the person in possession. *Beng.* 1793 *R.* 8. § 27.

7. Joint proprietors of an estate under a manager are not liable to confinement for arrears of revenue. *Beng.* 1793 *R.* 14. § 48. *Ben.* 1795 *R.* 6. § 52 *Ced. Prov.* 1803 *R.* 27. § 50. A.D. 1793 Rescinded 1805 R. 17 § 8

8. The landed estate of any landholder dying intestate after 1st July 1794, shall be inherited by all the heirs in the proportions to which they are entitled by the law of their religion. *Beng.* 1793 *R.* 11. § 2. *Ben.* (after the beginning of 1204) 1795 *R.* 44. § 2.

9. Two or more persons succeeding to an estate, or two or more sharers among the heirs to an estate, may hold it, or their shares in it, as a joint undivided estate; or any one or more of them may apply for separate possession. *Beng.* 1793 *R.* 11. § 5. *Ben.* 1795 *R.* 44. § 3.

10. Those, who choose to continue joint, shall elect a manager. *Beng.* 1793 *R.* 11. § 4.

11. But no person shall be entitled to a share in an estate which devolved entire to one person previous to 1st July 1794, according to the custom of the country. *Beng.* 1793 *R.* 12 § 3. *Ben.* (previous to the beginning of 1204) 1795 *R.* 44. § 5.

12. Joint estates are not subject to the jurisdiction of the Court of Wards, unless all the proprietors be disqualified. *Beng.* 1793 *R.* 10. § 3. *Ced. Prov.* 1803 *R.* 52. § 4.

13. The division of joint estates is to be made by the Collector. *Beng.* 1793 *R.* 25. § 2. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 30.

14. If all the proprietors of a joint undivided estate make a written application to the Collector, under their seals and signatures attested by four witnesses, for a division, he shall forward the application to the Board of Revenue who may authorize the division, and the expenses thereof shall be defrayed by each proprietor in the proportion of his interest. *Beng.* 1793 *R.* 25. § 3. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 31. Modified 1801 R. 1 § 13

15. And a similar application from one or more of the proprietors; in which case the expense is to be defrayed by the party or parties applying, in their respective proportions. *Beng.* 1793 *R.* 25. § 4. *C.* 1. ext *Ben.* 1795 *R.* 20. § 2. *Ced. Prov.* 1803 *R.* 20. § 32 *C.* 1. Ditto

16. If the share of the party applying be denied by a writing attested by two witnesses, the Collector is not to proceed to the division until the party's title be established by a decree of the Civil Court, or the denial be withdrawn by a writing attested by four witnesses. *Beng.* 1793 *R.* 25. § 5. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 33.

17. If a Court decree a portion of an estate, or an estate in portions, the Court, on application of the party or parties, shall issue a precept to the Collector directing a division

A. D. 1793 sion; and the Collector shall proceed to make it, sending a copy of the precept to the Board. *Beng.* 1793 *R.* 25. § 4. *C.* 2. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 32. *C.* 2.

18. Joint estates, ordered to be divided, are to remain under charge of the manager, and the whole estate is to be answerable for the public revenue, until the division be finally adjusted, and the parties put into distinct possession of their respective shares. *Beng.* 1793 *R.* 25. § 28. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 58.

19. The manager of a joint estate may distrain for the rents. *Beng.* 1793 *R.* 17. § 30. ext. *Ben.* 1795 *R.* 45. § 28. *Ced. Prov.* 1803 *R.* 28. § 28.

20. And may resume rent-free grants not exceeding 100 Begas made since 1st December 1790. *Beng.* 1793 *R.* 19. § 10. *Ben.* (grants not exceeding fifty Begas made since 1196) 1795 *R.* 41. § 10.

21. Minority in the proprietor of a joint undivided estate ceases at eighteen years. *Beng.* 1793 *R.* 26. § 3.

22. If any dispute arise between the proprietors of a joint estate regarding the name to be given to an estate, it shall be decided as the election of manager; but if the votes and interest be both equal, the Collector shall name the estate. *Beng.* 1793 *R.* 48. § 6. *Ced. Prov.* 1803 *R.* 42. § 6.

A. D. 1795 23. In joint estates in Benares the settlement was made with the principal of the family, or the head man among the brethren; but the subordinate Putteedars or sharers, if aggrieved by, or desirous to separate from, the managing partner, may sue in the Civil Court. *Ben.* 1795 *R.* 2. § 17. *C.* 1. and § 25.

24. All Regulations, regarding the preservation of the rights of subordinate Putteedars, shall be conformed to. *Ben.* 1795 *R.* 1. § 3. *C.* 2.

25. Government may enact such Regulations, as may be thought necessary, for the protection of the Putteedars in Benares. *Ben.* 1795 *R.* 27. § 5. *C.* 1.

26. Subordinate Putteedars may, with the sanction of Government, receive a transfer of the right of the defaulting manager, on paying the arrear; the option shall be tendered to all the Putteedars in succession, except to such as are in arrear of rent to the defaulter. *Ben.* 1795 *R.* 6. § 17. *C.* 1. *Ced. Prov.* 1803 *R.* 27. § 17. *C.* 1.

27. In joint estates in Benares, the person, in whose name the Pottah of Government has been made out, is considered immediately responsible to Government. *Ben.* 1795 *R.* 2. § 25.

28.

28. But that does not affect or prejudice the right of the Putteedars or sharers. *Ben.* 1795 *R.* 27. § 10. A. D. 1795

29. Purchasers, at public sale, of estates in which there are more than one person possessing proprietary claims, shall be considered to have purchased only the rights of the party on whose account the sale was made, without affecting the other titles. *Ben.* 1795 *R.* 20. § 19.

30. The managers of joint estates may be commissioners for the trial of civil suits. *Beng.* 1795 *R.* 36. § 5.

31. And may sue for rents in the summary mode. *Beng.* 1795 *R.* 35. § 20.

32. The prohibition against the confinement of proprietors of joint estates, by Section 48, Regulation 14 of 1793, is to be considered in full force. *Beng.* 1799 *R.* 7. § 26. A. D. 1799 Re-enacted 1805 R. 17 § 8

33. The manager of a joint estate may prosecute for the rents in the summary mode. *Beng.* 1799 *R.* 7. § 19. *Ben.* 1820 *R.* 5. § 18. *Ced. Prov.* 1803 *R.* 28. § 36.

34. If a Civil Court should deem valid the objections alleged against the next of kin as guardian to the disqualified heir of an intestate proprietor in a joint estate, the Court shall appoint a guardian, referring it to the Sudder Dewanee Adaulut. *Beng. Ben.* 1800 *R.* 1. § 1. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 8. A. D. 1800

35. To which Court all proceedings shall be sent in case of any person thinking himself aggrieved thereby. *Beng. Ben.* 1800 *R.* 1. § 7. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 14.

36. Such guardian shall vote in the election of the manager, under Sections 23 and 24, Regulation 8 of 1793; shall receive from the manager the ward's share of the profits; and shall have the care of the ward's person and maintenance, and of his education if a minor. *Beng. Ben.* 1800 *R.* 1. § 5. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 12.

37. The Court shall select a capable and responsible guardian, and in no instance a person interested in outliving the ward. *Beng. Ben.* 1800 *R.* 1. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 9.

38. May make to the guardian a compensation if necessary. *Beng. Ben.* 1800 *R.* 1. § 1. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 10.

39. And shall give him a commission, taking from him a penal obligation with security for appearance. *Beng. Ben.* 1800 *R.* 1. § 4. *Ced. Prov.* 1805 *R.* 8. § 29. § 11.

40. Such estates are liable to sale for arrears of revenue. *Beng. Ben.* 1803 *R.* 1. § 6. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 13.

41. In public sales for arrears, no fractional part of an estate in joint partnership or common A. D. 1801

A. D. 1801 common tenancy shall be sold without the express sanction of Government on a report of the particular case: if such a sale should be necessary in execution of a decree or otherwise, it shall be made according to the Regulations. *Beng. Ben.* 1801 *R.* 1. § 11. *Ced. Prov.* 1803 *R.* 26 § 13.

42. The joint estates, to which Regulation 25 of 1793 applies, are explained to be joint estates held in common tenancy where all the sharers have a common right and interest in the whole of the estate, without any separate title to distinct lands or Mehals forming part of the estate. *Beng. Ben.* 1801 *R.* 1. § 12. *Ced. Prov.* 1803 *R.* 26. § 60.

43. The Collector, on receiving an application from all the proprietors of a joint estate, shall proceed to make the division reporting it to the Board. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 2. *Ced. Prov.* 1803 *R.* 26. § 31.

44. Or an application from one or more of the sharers: but if the parties' right be denied, the Collector shall wait a decision on it. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 3. *Ced. Prov.* 1803 *R.* 26. § 32. *C.* 1.

A. D. 1805 45. Sections 23 to 25, Regulation 8 of 1793, are rescinded; and the proprietors of joint undivided estates shall be left to manage their estates in such manner as they may think most advisable, without any interference on the part of the Collector or Board in the appointment of a manager. *Beng.* 1805 *R.* 17. § 2.

46. The estates of joint proprietors will remain liable to sale for the recovery of revenue arrears; and also the separate property of each individual sharer; and the proprietors shall be jointly and separately responsible for the revenue of Government, and recourse may be had to the confinement of their persons. *Beng.* 1805 *R.* 17. § 3.

47. All payments of revenue shall be carried to the account of the estate at large, and not of any individual sharer. *Beng.* 1805 *R.* 17 § 4.

48. The guardians of joint proprietors shall exercise the same powers which could be exercised by the proprietors themselves. *Beng.* 1805 *R.* 17. § 5.

JUNGUL MEHALS.

A. D. 1800 1. Succession to landed estates in the Jungul Mehals of Midnapoor and other districts, when the party dies without a will, shall be according to local custom, notwithstanding Regulation 11 of 1793. *Beng.* 1800 *R.* 10. § 2.

A. D. 1805 2. The Jungul Mehals in the Zillas of Beerbhoom, Burdwan and Midnapoor, shall be placed under the jurisdiction of a distinct officer called the Magistrate of the Jungul Mehals. *Beng.* 1805 *R.* 18. § 2.

3. The jurisdiction of the Magistrate of the Jungul Mehals defined. *Beng.* 1805 *R.* 18. § 3. *C.* 1.

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4. The local jurisdiction of the Magistrate of the Jungul Mehals is subject to such alterations as the Governor General in Council may at any time judge expedient, and the Governor General in Council may abolish the office by an order of Government. *Beng.* 1805 *R.* 18. § 3. *C.* 2.

5. The Magistrate shall take a prescribed oath before the Governor General in Council or any person commissioned by him. *Beng.* 1805 *R.* 18. § 4.

6. The prohibition of Section 2, Regulation 22 of 1793, on landholders &c. against entertaining Police establishments, does not extend to any district under the Magistrate of the Jungul Mehals, of which the Police has been or may be committed to the landholders, nor to any landholders in any other district, whom the Governor General in Council may authorize to entertain such an establishment. *Beng.* 1805 *R.* 18. § 5.

7. The Governor General in Council reserves to himself the power of extending the rules for the Jungul Mehals in the whole or in part to any other Mehals, the Police of which may be entrusted to a landholder. *Beng.* 1805 *R.* 18. § 6.

8. Zemindars, entrusted with the Police, shall receive Sunnuds from the Magistrate under the authority of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 1.

9. And shall not be deprived, except for misconduct proved to the satisfaction of the Governor General in Council, for whose final determination the Magistrate shall report through the Nizamut Adaulut when of opinion that there are grounds for depriving a Zemindar. *Beng* 1805 *R.* 18. § 7. *C.* 2.

10. They shall keep such an establishment of watchmen, as may be fixed by the Magistrate with the approbation of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 3.

11. Furnishing a list of the persons employed, with a statement of their allowances in land or money, and reporting to the Magistrate all appointments on vacancy by death or removal. *Beng.* 1805 *R.* 18. § 7. *C.* 4.

12. The Magistrate may punish such watchmen for neglect of duty, or other misconduct, by fine, imprisonment, removal from office, or otherwise. *Beng.* 1805 *R.* 18. § 7. *C.* 5.

13. Where Police Daroghas are appointed, the watchmen shall be under the orders of the Darogha, and the Zemindars shall aid him in preserving the peace. *Beng.* 1805 *R.* 18. § 7. *C.* 6.

14. The Zemindars shall be furnished with copies of all Regulations for the conduct of Police Daroghas, and are required to observe the rules contained in them. *Beng.* 1805 *R.* 18. § 7. *C.* 7.

15. They shall send to the Magistrate, or the nearest Police Darogha, or the nearest Military Officer acting in support of the Police, all persons charged with any heinous crime, within twenty-four hours after apprehension. *Beng.* 1805 *R.* 18. § 7. *C.* 8.

16. And shall take security from prosecutors and witnesses to appear before the Magistrate on a certain day. *Beng.* 1805 *R.* 18. § 7. *C.* 9.

17. They may take Razeenamas in complaints for petty assaults or abusive language, if delivered in twenty-four hours. *Beng.* 1805 *R.* 18. § 7. *C.* 10.

18. They shall apprehend Chooars and other plunderers committing a breach of the peace within their limits, or passing through them after the commission of such an offence, and without a written charge all persons committing any heinous crime, or found with stolen goods, or on a hue and cry, and notorious robbers or thieves or suspicious vagrants. *Beng.* 1805 *R.* 18. § 7. *C.* 11.

19. No Zemindar shall summon the Rayats of another Zemindar. *Beng* 1805 *R.* 18. § 7. *C.* 12.

20. The Police officers of one Zemindar are not subject to the orders of another; but when necessary, or called upon by the Magistrate, they are jointly to use their endeavours to pursue and apprehend Chooars and other disturbers of the peace *Beng.* 1805 *R.* 18. § 7. *C.* 13.

21. No Zemindar shall send his Police officers within the limits of another, except on an application from him, or an express order from the Magistrate, or an officer authorized by the Magistrate: the Zemindars are to use their utmost endeavours to apprehend Chooars &c. assembled in their limits, or passing through for the purpose of plundering, or after the commission of depredations, and should assistance be necessary for their apprehension, shall send information to any Military Officer in the vicinity, to the nearest Police station, and to the Magistrate. *Beng.* 1805 *R* 18 §. 7. *C.* 14.

22. Any Zemindar, or his officer, convicted of conniving at depredations, or of wilful neglect in the prevention of them, will be liable to fine and imprisonment, and in heinous cases to forfeiture of his lands. *Beng* 1805 *R.* 18 § 7. *C* 15.

23. The Magistrate, when of opinion that such a charge is proved, shall record his judgment and the punishment deemed adequate, transmitting his proceedings to the Nizamut Adaulut for the sentence of that Court; and, in cases of forfeiture, for the ultimate determination of the Governor General in Council. *Beng.* 1805 *R.* 18 § 7. *C.* 16.

24. Zemindars, deemed by the Magistrate guilty of being concerned in robbery, or of having aided robbers, or received plundered property, shall be prosecuted before the

Court

Court of Circuit: and, if convicted, their lands shall be liable to confiscation, or to be sold for making good the value of the property, at the discretion of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 17. A. D. 1805

25. On receiving their Sunnuds, they shall enter into engagements to be responsible for all property robbed or stolen within their estates, unless on clear proof that the robbery or theft was not owing to want of care in them or their officers; and may be sued in the Civil Court for the recovery. *Beng.* 1805 *R.* 18. § 7. *C.* 18.

26. They are to transmit regular information to the Magistrate of all occurrences relating to Police, and send monthly reports according to the form prescribed by the Magistrate. *Beng.* 1805 *R.* 18. § 7. *C.* 19.

27. All reports of Zemindars, and all orders of the Magistrate to them, shall be in the language and character used in their Zemindaries. *Beng.* 1805 *R.* 18. § 7. *C.* 20.

28. The managers of disqualified landholders are eligible for the charge of the Police with the sanction of the Governor General in Council, and shall receive the same Sunnud, execute the same engagement, and perform the same duties, as Zemindars, under the same responsibility, or with such qualifications as the Governor General in Council may in any instance direct. *Beng.* 1805 *R.* 18. § 7. *C.* 21.

29. The half yearly jail deliveries for the Jungul Mehals shall be held by the Calcutta Court of Circuit, at such periods and place as the Nizamut Adaulut may direct. *Beng.* 1805 *R.* 18. § 8.

30. The districts under the jurisdiction of the Magistrate of the Jungul Mehals shall continue subject in civil matters to the Dewannee Adaulut of the Zilla to which they are now attached, subject to any alterations of jurisdiction which the Governor General in Council may at any time direct. *Beng.* 1805 *R.* 18. § 9.

31. But the Governor General in Council may, by an order in Council, constitute the Jungul Mehals a distinct Zilla of civil as well as criminal jurisdiction, and vest the Magistrate with the office of Judge, with the same powers which are exercised by the Judges of other Zillas under the Regulations for Bengal, Behar and Orissa. *Beng.* 1805 *R.* 18. § 10.

IDIOTISM.

1. Landholders incapable of managing their estates from idiotism, lunacy, or any natural defect or infirmity, if they be not partners in a joint estate with others not disqualified, shall not have charge of their estates. *Beng.* 1793 *R.* 8. § 20. A. D. 1793

A. D. 1793

2. Which shall be managed for their benefit in trust by Government *Beng.* 1793 *R.* 8. § 21.

Modified 1799 R. 7 § 25

3. Under a manager to be chosen by the Collector, subject to the approbation of the Board of Revenue; preference being given to the heir of the estate or a near relation or a family servant. *Beng.* 1793 *R.* 10. § 8. *C.* 1.

4. And shall be under the superintendence of the Court of Wards. *Beng* 1793 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 52 § 3.

5. And such estates are not liable to be sold for arrears of public revenue while under the Court of Wards, nor shall such proprietor be liable to arrest and confinement for arrears. *Beng.* 1793 *R.* 1. § 8 *C.* 5 *R.* 14. § 48 *Ced Prov.* 1803 *R.* 52 § 6.

6. The Collector shall report to the Board, whenever any proprietors come within this description of disqualification. *Beng.* 1793 *R.* 10 § 4. *Ced. Prov.* 1803 *R.* 52. § 8.

7. Stating the condition of the party, the particulars of the estate real and personal, the person deemed most eligible for manager and guardian, with a report of any testamentary appointment of guardian, and any objection to the confirmation thereof. *Beng.* 1793 *R.* 10. § 34. *Ced. Prov.* 1803 *R.* 52. § 38.

Rescinded Beng 1805 R. 27 § 2

8. Estates, in which all the sharers are not thus or otherwise disqualified, shall be under a manager elected by the majority of proprietors present; or, if the votes be equal, by the greater interest of the voters; or, if the votes and interest be both equal, by the Board of Revenue. *Beng.* 1793 *R.* 8. § 23. *Ced. Prov* 1803 *R.* 52. § 5. *C.* 1.

ditto

9. The guardians of such disqualified sharers shall vote in the election. *Beng.* 1793 *R.* 8. § 24. *Ced Prov.* 1803 *R.* 52. § 5. *C.* 2.

ditto

10. If the proprietors of such estate omit to elect a manager on requisition of the Collector, he shall nominate one for the approbation of the Board: but the responsibility and expense shall rest with the proprietors. *Beng.* 1793 *R.* 8. § 25. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 3.

11. The determination of the majority shall be similarly binding in agreeing or disagreeing to the proposed Jumma of such estates. *Beng.* 1793 *R.* 8. § 26. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 4.

12. The proprietors of such estates are not liable to arrest and confinement for arrears of revenue. *Beng.* 1793 *R.* 14. § 48. *Ced. Prov.* 1803 *R.* 52. § 6.

13.

13. The Collector, on being ordered by the Revenue Board, shall present, through the Vakeel of Government, to the Zilla Court, every case of disqualification from idiotism, lunacy, or any natural defect or infirmity. The Court shall send the representation to the Sudder Dewannee Adaulut, who shall order the Court or the Provincial Court of Appeal to ascertain the fact by ocular inspection and the oath of not less than three witnesses; the proceedings shall be sent to the Sudder Dewannee Adaulut, whose decision shall be final, and is to be certified to the Governor General in Council, who will order the Court of Wards to take charge or not of the estate according as the Sudder Dewannee Adaulut may have decided. *Beng.* 1793 *R.* 10. § 5. *C.* 4. *Ced. Prov.* 1803 *R.* 52. § 9 *C.* 4. A. D. 1793

14. Persons, not born idiots, are to be produced annually, or oftener if deemed necessary, before the Zilla Court, who, if the disqualification appear to be completely removed, shall report the case to the Sudder Dewannee Adaulut, and this Court shall communicate its decision to the Governor General in Council, who will order the Court of Wards to give up charge of the estate or not, according as the Sudder Dewannee Adaulut may have decided. *Beng* 1793 *R.* 10. § 5. *C.* 5. *Ced. Prov.* 1803 *R.* 52. § 9 *C.* 5.

15. Any person, deeming the ground of disqualification to have ceased, may present a petition to the Zilla Court, who will transmit it to the Sudder Dewannee Adaulut, and it is to be proceeded on as in Clause 4. *Beng.* 1793 *R.* 10. § 5. *C.* 6. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 6.

16 Landholders, disqualified on account of idiotism or lunacy or any natural defect or infirmity, are to have guardians. *Beng.* 1793 *R.* 10. § 22. *Ced. Prov.* 1803 *R.* 52. § 26.

17. And are not to be sued except jointly with the guardian. *Beng.* 1793 *R.* 10 § 32. *C.* 1. *Ced Prov* 1803 *R.* 52. § 36. *C.* 1.

18. Such guardian is to be chosen by the Collector subject to the approbation of the Board of Revenue; but shall not be the legal heir or other person interested in outliving the ward: and landholders may appoint guardians to such disqualified heirs by will, and such testamentary appointments shall be reported by the Collector to the Court of Wards with his sentiments, and shall be preferred if the person be qualified. *Beng* 1793 *R.* 10. § 21. *Ced. Prov.* 1803 *R.* 52. § 25.

19. Guardians of such disqualified proprietors, when sued jointly with the ward, are not to give security. 1795 *R.* 55. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 7. A. D. 1795

20.

A. D. 1799 20. The manager to the estates of such disqualified proprietors is to be chosen by the Collector with due attention to capacity and character and subject to the approval of the Board, but without any regard to connexion with the proprietors and is to be considered an officer of Government acting under the Collector. *Beng.* 1799 *R.* 7. § 26. *Ced. Prov.* 1803 *R.* 52. § 12.

A. D. 1800 21. If the Collector, or any person interested in the family welfare, should represent to the Civil Court any objections against the eligibility of the next of kin as guardian to such disqualified proprietor of a joint undivided estate, the Court, if satisfied that the objections are well founded, shall nominate a guardian, reporting the circumstance to the Sudder Dewannee Adaulut. *Beng. Ben.* 1800 *R.* 1. § 1. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 8.

22. Attending to the capacity, character and responsibility of the person selected, and never choosing the legal heir or other person interested in outliving the ward. *Beng. Ben.* 1800 *R.* 1. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 9.

23. The estates of such disqualified proprietors are liable to sale for arrears of revenue. *Beng. Ben.* 1800 *R.* 1. § 6. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 13.

IMPRISONMENT.

I. *IN CIVIL CASES.*

1. In Mesne Process.

A. D. 1793 1. Landholders and farmers are prohibited confining their tenants, &c. to enforce payment of rents, under penalty of prosecution for false imprisonment. *Beng.* 1793 *R.* 17. § 28. *Ben.* 1795 *R.* 45. § 26. *Ced. Prov.* 1803 *R.* 28. § 26.

2. Defendants, refusing or omitting to give security for their attendance, are to be committed to close custody till they give security or perform the decree. *Beng.* 1793 *R.* 4. § 5. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 5.

3. Witnesses, refusing to give evidence or to sign their deposition, shall be committed to close custody till they comply; and parties, not paying the expenses of their witnesses, shall be confined till payment. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

4. Persons, guilty of contempt of Court in Zilla Courts, are to be kept in custody till payment of the fine imposed. *Beng.* 1793 *R.* 4. § 21. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov* 1803 *R.* 3. § 22.

5.

5. In Provincial Courts of Appeal. *Beng.* 1793 *R.* 5 § 20. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 20. A. D. 1793

6. And in the Sadder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 18. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5 § 18.

7. Defaulting landholders and farmers shall be committed to jail by the Court, on the motion of the Collector, till payment of the arrear, or till the Collector move for their release. *Beng.* 1793 *R.* 14. § 5 *Ben.* 1795 *R.* 6. § 11. *Ced. Prov* 1803 *R.* 27 § 11. Modified 1794 R. 3 § 3.

8. Also the sureties of defaulting farmers. *Beng.* 1793 *R.* 14. § 23 ext. *Ben.* 1795 *R.* 6 § 11. *Ced Prov.* 1803 *R.* 27. § 11.

9. Persons, imprisoned above one year for arrears of revenue or other demands of Government, may be released by the Court on giving security to pay the balance by instalments during the course of a year. *Beng.* 1793 *R.* 14 § 29. *Ben.* 1795 *R.* 6. § 35. *Ced. Prov.* 1803 *R.* 27. § 30.

10. Joint proprietors of an estate under a manager, disqualified landholders under the Court of Wards, and female landholders, are not liable to imprisonment. *Beng.* 1793 *R.* 14. § 43. *Ben.* 1795 *R.* 6. § 53. *Ced. Prov.* 1803 *R.* 27. § 50. Modified 1795 R. 17 § 8.

11. Native commissioners of lawsuits are prohibited from confining any party, Vakeel, or witness, in a suit. *Beng* 1793 *R.* 40. § 13. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 11.

12. Putwaries, refusing to produce accounts on the requisition of the Collectors or of the Civil Courts, may be committed to close custody till compliance. *Beng.* 1793 *R.* 8. § 62. *C.* 5. *Ben.* 1795 *R.* 27. § 9. *C.* 5. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 4.

13. If a defaulting landholder or farmer shall have paid more than one third part of the monthly instalment, the Collector may cause him to be confined or not as may appear advisable; but, if he shall not have paid one third, the Collector is positively enjoined to cause him to be imprisoned. *Beng.* 1793 *R.* 14. § 4. Modified 1794 R. 3 § 3.

14. And for any balance due at the close of the year by a farmer, the Collector shall proceed to imprison the defaulter if not already in confinement, and his surety. *Beng.* 1793 *R.* 14 § 23.

15. Proprietors of land are not liable to be confined for arrears of revenue. *Beng.* 1794 *R.* 3. § 3. A. D. 1794

16. Unless the sale of all their lands should not realize the balance, or no purchaser should offer at the sale. *Beng.* 1794 *R.* 3. § 14.

A. D. 1794 17. A report of all such cases is to be made by the Collector to the Board, and by the Board to Government. *Beng.* 1794 *R.* 3. § 14.

A. D. 1795 18. The Collector of Benares may confine defaulting Malguzars and their sureties, or keep them during ten days under Peons; and, if they do not pay or give satisfaction for the payment, he is, after the expiration of the ten days, to cause them to be conveyed to the public jail. *Ben.* 1795 *R* 6 § 11. *Ced Prov.* 1803 *R.* 27. § 11.

19. And may commit for not more than ten days, reporting it to the Board; persons resisting the process of a Tehsildar. *Ben.* 1795 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

20. And notifying through the Vakeel of Government to the Court the date from which such imprisonment is to commence. *Ben.* 1795 *R.* 6. § 21. *Ced. Prov.* 1803 *R.* 27 § 21.

21. Tehsildars in Benares are not to confine in jail, nor put into the stocks or irons, any persons, whether principals or sureties, for arrears of revenue. *Ben.* 1795 *R.* 6. § 11. *Ced. Prov.* 1803 *R.* 27. § 11.

22. Defaulting tenants, against whom an arrear exceeding 500 Rupees shall be demanded on a summary suit in Court, shall be committed to custody in default of giving security, if their absconding be apprehended. *Beng.* 1795 *R.* 35. § 12. *C* 2.

A. D. 1799 23. Government will order the imprisonment of any landholder or other person, who may persist in refusing to deliver accounts required of him when his lands are attached for arrears of revenue. *Beng.* 1799 *R.* 7. § 23. *C.* 4. *Ben.* 1800 *R.* 5. § 25. *Ced. Prov.* 1803 *R.* 27. § 15. *C.* 4.

24. A landholder may be imprisoned, if the arrear should not be liquidated by the sale of all his land and from any other property which he possesses. *Beng.* 1799 *R.* 7. § 23. *C.* 5

25. The prohibition against the confinement of disqualified and joint proprietors and females, is to remain in force. *Beng.* 1799 *R.* 7. § 27.

26. Commissioners of lawsuits, detaining an arrested tenant more than twenty-four hours, shall be liable to dismission, and to suit for false imprisonment. *Beng.* 1799 *R.* 7. § 15. *C.* 2. *Ben.* 1800 *R.* 5 § 14. *C.* 2. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 2.

A. D. 1805 27. Litigious appellants to the Sudder Dewannee Adaulut from Chandernagore or Chinsura, and persons guilty of disrespect to the Court, may be imprisoned for a period not exceeding six months, in commutation of a fine. 1805 *R.* 1. § 11.

28. Recourse may be had to the confinement of the persons of joint proprietors for arrears of revenue. *Beng.* 1805 *R.* 17. § 3. A. D. 1805

2. In Execution of Judgments.

1. The person of the defendant is liable to attachment in execution of the decree. *Beng.* 1793 *R.* 4 § 7. ext. *Ben.* 1795 *R* 8. § 2. *Ced. Prov.* 1803 *R.* 3 § 9. A. D. 1793

2. Except registered weavers, who are not liable to personal arrest for decrees in favour of private persons *Beng.* 1793 *R* 31. § 12. *Ced. Prov.* 1803 *R.* 37. § 12. *C.* 1. ext. *Ben.* 1805 *R.* 4 § 2. Modified 1801 R. 9 § 3

3 And the salt manufacturers from Katic to Asarh, unless the agent should declare their attendance in the manufacture unnecessary. *Beng.* 1793 *R.* 29 § 21.

4. Defendants, committed to close custody at the instance of the plaintiff, shall be maintained by the plaintiff at an allowance fixed by the Court, and not exceeding four Annas per diem, payable in advance on the commitment of the defendant and at the end of each subsequent month: if plaintiffs fail in the payment of subsistence to confined defendants during one month, and shall not pay the arrear and one month in advance within one month from a notice to be fixed up in the Court room, the defendants are to be released. *Beng* 1793 *R.* 4 § 8. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 10.

5. Plaintiffs, fined for bringing litigious suits, shall be committed to close custody, till payment of the fine. *Beng.* 1793 *R.* 3. § 12. ext. *Ben.* 1795 *R.* 7 § 7. *Ced. Prov.* 1803 *R.* 2 § 9.

6. A native servant of a Collector, convicted of bribery in registering a rent free grant, is to be imprisoned six months. *Beng.* 1793 *R.* 19. § 46. *R.* 37. § 41. *Ben.* 1795 *R.* 41. § 46. *R.* 42. § 41. *Ced. Prov.* 1803 *R.* 31. § 42. *R.* 36. § 41.

7. A native servant of a Judge, convicted of bribery on account of a suit in the Court, may be imprisoned at the discretion of the Court. *Beng.* 1793 *R.* 13. § 11. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 14.

8. Distrainers entering the apartments of women, or forcing open the outer door of a dwelling house, shall be imprisoned six months. *Beng.* 1793 *R.* 17. § 21. *Ben.* 1795 *R.* 45. § 19.

9. Defaulting tenants, who resist the attachment of their property or remove attached property, shall be imprisoned with all their abettors until restoration of the property or payment of the arrear. *Beng.* 1793 *R.* 17. § 19. *Ben.* 1795 *R.* 45. § 17. *Ced. Prov.* 1803 *R.* 28. § 17. *C.* 1.

10.

A. D. 1793 10. Any person, not the owner, who removes distrained property, shall be imprisoned till restoration of the property and payment of its value or damages. *Beng.* 1793 *R.* 13. § 20. *Ben* 1795 *R.* 45 § 13. *Ced. Prov.* 1803 *R.* 28. § 18.

11. Persons, fined for levying abolished Sayer, if unable to pay the fine, may be imprisoned for such period as the Court may deem adequate. *Beng.* 1793 *R.* 27. § 11. *Ced. Prov.* 1804 *R.* 11. § 53. 1805 *R.* 6. § 36.

12. Native officers, under a Salt Agent, convicted of embezzlement of the Company's property, conniving at illegal transactions, or writing false balances in their accounts, may be imprisoned for not more than twelve months. *Beng.* 1793 *R.* 29 § 15.

13. Also native officers under a Commercial Agent. *Beng.* 1793 *R.* 31. § 13. *Ced. Prov.* 1803 *R.* 37. § 13. ext. *Ben* 1805 *R.* 4. § 2.

Modified 1808 R 3 § 6 14. Pauper plaintiffs or appellants, whose suits are deemed litigious, may be committed for three months on nonpayment of the costs and then released; and the sureties of such paupers, not producing them or not paying the costs, may be similarly confined. *Beng.* 1793 *R.* 46. § 3. ext. *Ben.* 1795 *R* 23 § 2. *Ced. Prov.* 1803 *R.* 14 § 3.

15. Unlicensed liquor venders, if unable to discharge the fine imposed, may be imprisoned and kept to hard labour one month. *Beng.* 1793 *R.* 51. § 3. *Ben.* 1795 *R.* 47. § 10. *Ced. Prov.* 1803 *R.* 40. § 29.

A. D. 1795 16. Defaulting tenants, in case of judgment given against them on a summary suit, shall be committed to close custody till payment thereof, or till discharged by the result of a regular suit. *Beng.* 1795 *R.* 35. § 13 *C* 1.

A. D. 1799 17. Defaulting tenants, against whom an arrear of rent is awarded on summary inquiry, shall be kept in close custody until they pay the amount with costs and interest, or till the plaintiff apply for their release. *Beng.* 1799 *R.* 7. § 15. *C.* 4. *Ben.* 1800 *R.* 5. § 14. *C.* 5. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 5.

18. Or till the result of a regular suit to dispute the demand. 1799 *R.* 7. § 16. *Ben.* 1800 *R.* 5 § 15. *Ced. Prov.* 1803 *R.* 28. § 33.

A. D. 1801 19 Weavers are liable to imprisonment in execution of decrees in favor of private persons, after they have completed their engagements with the Company, if they do not take new advances. *Beng.* 1801 *R.* 9. § 3. *Ced. Prov.* 1803 *R.* 37. § 12. *C.* 2.

20. Salt officers, convicted of procuring salt illicitly, shall be imprisoned not more than twelve months. *Beng.* 1801 *R.* 6. § 30.

21.

21. Or of receiving gratuities. *Beng.* 1801 *R.* 6. § 31. *C.* 1. A. D. 1801

22. Penalties for illegal salt works are to be recovered by the imprisonment of the offender's person if necessary. *Beng.* 1801 *R.* 6. § 7.

23. Pauper plaintiffs, if the suit be deemed litigious, shall be immediately committed whether they appeal or not; pauper appellants or their sureties may be committed by a Provincial Court of Appeal for six months including the previous confinement, and by the Sudder Dewannee Adaulut twelve months including the two previous confinements, if deemed litigious. *Beng. Ben.* 1802 *R.* 3. § 6. *Ced. Prov.* 1803 *R.* 14. § 10. A. D. 1802

24. If sufficient property of the offender be not found to make good the penalty imposed for illegal dealings in opium, he may be imprisoned not more than six months in either Dewannee or Foujedary jail. *Ced. Prov.* 1803 *R.* 41. § 19. A. D. 1803

25. When no property can be pointed out, the Court may accept of an engagement with security for the payment by instalments without interest; and the defendant if in custody shall be discharged, and shall not be liable to further arrest on the same judgment except for failure of his engagement. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 10. A. D. 1806

26. If defendants and their sureties, confined in execution, shall deliver to the Court on oath a statement of all property real and personal belonging to them, whether held in their own names or in any other name, or jointly with any other person, and the Court shall be satisfied by an inquiry into the truth of the statement and the validity of objections thereto, that the parties have no other means, the Court may release such insolvent debtors and their sureties with or without security for their appearance, after selling such property or any part thereof which the Court may deem proper; but such parties may be again arrested on the proof of fraudulent concealment; and any other property, subsequently possessed by them, may be also brought to sale and all proceedings in such cases are open to revision by the Superior Court *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 11.

27. The subsistence money to defendants in confinement is to be recovered with the other costs from any property forthcoming; but they shall not be detained in confinement for the subsistence money only, if no property can be pointed out. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 12.

28. Persons, convicted of selling stampt paper without a Sunnud, shall be imprisoned not more than six months if unable to pay the fine. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 8.

II. IN CRIMINAL CASES.

1. As Punishment.

A. D. 1793 1. When a prisoner is sentenced to imprisonment for life, the Court of Circuit shall transmit the record of the trial to the Nizamut Adaulut and shall not execute the sentence but shall wait the final sentence of that Court *Beng.* 1793 *R.* 9. § 47. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R* 7. § 15 *C.* 1.

2. Imprisonment of seven years shall be awarded by the Courts of Circuit, as commutation of each limb, to the loss of which a prisoner may be sentenced by the Futwa of the law officer. *Beng.* 1793 *R.* 9. § 51. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 21.

3. The Magistrates may punish, by imprisonment not exceeding fifteen days, persons convicted of abusive language, calumny, and petty assaults, or affrays. *Beng.* 1793 *R.* 9. § 8. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 8.

4. And similarly persons making litigious charges of the above nature *Beng.* 1793 *R.* 9. § 10. ext. *Ben.* 1795 *R.* 16 § 4. *C.* 1. *Ced Prov.* 1803 *R* 6 § 10.

5. And may punish, by imprisonment not exceeding one month, persons convicted of petty thefts. *Beng.* 1793 *R.* 9. § 9. ext. *Ben.* 1795 *R.* 16. § 4 *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 9.

6. Persons guilty of contempt of a Court of Circuit may be imprisoned not exceeding fifteen days. *Beng.* 1793 *R.* 9. § 59. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* (not exceeding four months) 1803 *R.* 7. § 28.

7. Artificers, convicted of building or repairing a boat of prohibited dimensions without license of the Magistrate, may be committed to close imprisonment for not more than a month. *Beng.* 1793 *R.* 22. § 20. *C.* 4.

A. D. 1796 8. The Magistrate of Bhaugulpoor may confirm or mitigate, reporting it to the Nizamut Adaulut, sentences of imprisonment passed by the assembly of hill chiefs on hill prisoners if not exceeding fourteen years. *Beng.* 1796 *R.* 1. § 11.

9. And may punish, by fifteen days imprisonment, petty complaints if found litigious. *Beng.* 1796 *R.* 1. § 6.

10. In sentences exceeding fourteen years, the Magistrate shall send the proceedings to the Nizamut Adaulut. *Beng.* 1796 *R.* 1. § 12.

11.

11. The Nizamut Adaulut shall, on such trials, commute sentences of mutilation into an imprisonment of seven years for each limb, or less if the Court think proper. *Beng.* 1796 *R.* 1. § 13. *C* 3. A. D. 1796

12. Persons, convicted of sitting Dhurna in Bengal, Behar or Orissa, may be sentenced by the Court of Circuit to an imprisonment not exceeding one year. *Beng.* 1797 *R.* 5. § 4. *Ced. Prov.* 1804 *R* 3. § 10. *C.* 1. A. D. 1797

13. Licensed venders of intoxicating liquors and drugs may be confined six months to hard labour by the Magistrate for breach of the conditions of the license. *Beng. Ben.* 1800 *R.* 6. § 29. *Ced Prov.* 1803 *R.* 40. § 41. A. D. 1800

14. And unlicensed venders may be similarly confined in addition to other penalties. *Beng. Ben.* 1800 *R.* 6. § 31. *Ced. Prov.* 1803 *R.* 45. § 43.

15. If no specific punishment have been provided by the Muhamedan law, or by a Regulation, for a crime for which the Futwa declares the prisoner liable to discretionary punishment; the Circuit Judge, if he deem the prisoner convicted and deserving of punishment, shall, after consulting with the law officer, sentence the prisoner to a punishment not exceeding seven years imprisonment; or, if he deem such punishment inadequate, shall refer the trial to the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 7. A. D. 1803

16. In gang robberies accompanied by wounding, maiming or any other aggravating act less than homicide, leaders of gangs and all persons actively concerned in such acts, or present aiding and abetting, or though not present procuring and causing such acts by preconcerted plan, shall be sentenced to imprisonment and transportation for life. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 2.

17. And in gang robberies unaccompanied by such acts of aggravation, or in violent attempts to commit robbery, they shall be sentenced to an imprisonment of fourteen years; but leaders and heinous offenders may be sentenced by the Nizamut Adaulut to imprisonment and transportation for life on proof of repetition, or of bad character. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 3.

18. Gangs, apprehended before the commission of robbery, or of a violent attempt to commit robbery, shall be sentenced to an imprisonment of seven years. *Beng. Ben. Ced. Prov.* 1803 *R.* 53 § 4. *C.* 4.

19. In gang robberies where the sentence is imprisonment for life, the trial shall be sent by the Court of Circuit to the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 6. *C.* 1.

20.

A. D. 1803 20. In the revision of the trials referred by the Magistrates of the Ceded Provinces previous to 24th March 1803, the Court of Circuit may execute sentences not amounting to imprisonment for life. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 3.

21. And shall refer to the Nizamut Adaulut the trial in sentences of imprisonment for life. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 4.

A. D. 1804 22. The Calcutta Court of Circuit may execute or mitigate sentences not exceeding seven years imprisonment on crimes committed in Cuttack between 14th October 1803 and the promulgation of this Regulation; and shall refer to the Nizamut Adaulut their proceedings and opinion in sentences which exceed seven years: the Nizamut Adaulut, if satisfied of the prisoner's guilt, shall commute sentences of mutilation into imprisonment and hard labour for a term of years, and execute, commute or mitigate sentences of imprisonment, or recommend the prisoner to the Governor General in Council for mercy. *Beng.* 1804 *R.* 4. § 7.

23. The Barellee Court of Circuit and Nizamut Adaulut are to proceed similarly on crimes committed in the Conquered Provinces between 30th December 1803, and the promulgation of the Regulation; and the Benares Court of Circuit and Nizamut Adaulut on crimes committed in Bundelkhund between 16th December 1803 and the promulgation of it. *Ced. Prov. Ben.* 1804 *R.* 9. § 11.

A. D. 1805 24. Guards, watchmen and Police officers of every description, convicted of being concerned in, or conniving at, a robbery, shall be sentenced to imprisonment for life if no murder or other aggravating act shall have been committed. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 4.

25. And if convicted of an attempt to commit robbery may be sentenced to imprisonment not exceeding fourteen years by the Circuit Court or to imprisonment for life by the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 5.

26. And, if convicted of theft or of connivance at theft, may be sentenced to imprisonment not exceeding seven years by the Court of Circuit. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 6.

27. The Magistrate of Chandernagore and Chinsura may punish by imprisonment not exceeding one year, or by fine commutable for a fixed period of imprisonment, persons convicted of abusive language, calumny, inconsiderable assaults or affrays, petty thefts, or larceny unaccompanied with aggravating acts. *Beng.* 1805 *R.* 16. § 4.

28. Landholders in charge of Police will be liable to imprisonment for conniving at depredations or for wilful neglect in preventing them. *Beng.* 1805 *R.* 18. § 7. *C.* 15.

29.

29. The Phylks and other watchmen in the Jungul Mehals are punishable by imprisonment for any neglect of duty. *Beng.* 1805 *R.* 18. § 7. *C.* 5. A. D. 1805

30. Persons convicted of forging the stamps &c. shall be sentenced to an imprisonment not exceeding seven years. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 12. A. D. 1806

2. For Restraint or in Commutation.

1. Vagrants, who escape from the Magistrate's custody before being regularly discharged, shall, if reapprehended, be imprisoned, and kept to hard labour for six months. *Beng.* 1793 *R.* 22. § 10. ext. *Ben.* 1795 *R.* 17. § 10. *Ced. Prov.* 1803 *R.* 35. § 10. A. D. 1793

2. Persons, committed for trial before the Court of Circuit, on charges of murder, robbery, housebreaking, theft, or counterfeiting the coin, shall not be admitted to bail. *Beng.* 1793 *R.* 9. § 7. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 7.

3. Persons, guilty of wilful and corrupt perjury in Civil Courts, are to be committed to close custody to take their trial before the Court of Circuit. *Beng.* 1793 *R.* 4. § 14. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 8.

4. Also in Provincial Courts of Appeal *Beng.* 1793 *R.* 5. § 20. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 20.

5. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 18. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 18.

6. Brahmens, convicted of establishing Koorhs, are to be confined till they pay the fine imposed or give security for the payment in six months, and give security for future good conduct. *Ben.* 1795 *R.* 21. § 3. A. D. 1795

7. Persons, other than landholders or Sudder farmers, convicted of resistance to the process of Magistrates or Police officers, if not possessed of property adequate to the discharge of the fine adjudged, may be imprisoned in lieu thereof with the sanction of the Nizamut Adaulut. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 4. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 4. A. D. 1796

8. A Magistrate, who has not qualified as Justice of Peace, if he see grounds for any criminal charge against an European British subject, shall send him in safe custody to Calcutta. *Beng. Ben.* 1796 *R.* 2. § 2. *C.* 3. *Ced. Prov.* 1803 *R.* 6. § 19. *C.* 3. Modified 1806 R. 15 § 3

9. The Courts of Circuit may commute sentences of Dèyut in trials for murder, into imprisonment for such period as may be deemed adequate, and, if the imprisonment A. D. 1797

A. D 1797 be for life, the trial shall be sent to the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 4 § 3. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 2.

10. And the same in sentences of Deyut or fines for any cause other than homicide. *Beng. Ben.* 1797 *R.* 14. § 4. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 2.

11. A specific period of imprisonment shall be fixed by Criminal Courts as an equivalent for fines imposed by them, at the expiration of which the prisoner shall be discharged although he have not paid the fine. *Beng. Ben.* 1797 *R.* 14. § 3. *C.* 1. *Ced. Prov.* 1803 (for Courts of Circuit) *R.* 7. § 39. *C.* 1. (for Magistrates) *R.* 6. § 31.

12. Including fines imposed in Bengal, Behar and Orissa, for sitting Dhurna. *Beng.* 1797 *R.* 14. § 3. *C.* 2.

13. The imprisonment, awarded by a Court of Circuit, shall be temporary in all cases. *Beng. Ben.* 1797 *R.* 14. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 1.

14. And by Magistrates shall not exceed the periods specified in Sections 8 and 9, Regulation 9 of 1793. *Beng. Ben.* 1797 *R.* 14. § 5. *Ced. Prov.* 1803 *R.* 6. § 31.

A. D. 1801 15. In homicides clearly by misadventure, the Courts of Circuit shall not sentence the prisoner to imprisonment though the Futwa should award Deyut. *Beng. Ben.* 1801 *R.* 8. § 6. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 6.

A. D. 1803 16. In cases of strong suspicion, though not amounting to conviction, or of bad character, the Circuit Court may order the prisoner's detention till he give security. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 6.

17. If a person sentenced by a Circuit Court to be detained till he give security under Clause 6, Section 2, or a person similarly sentenced by the Nizamut Adaulut, shall not have been able to give security in one year, and the Magistrate shall think his release expedient on Mochulka without security, he shall report the case to the Circuit Court at the next jail delivery. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 11. *C.* 1.

18. The Judge of Circuit shall call the prisoner before the Court, and ascertain from the trial the grounds on which security was required, and direct his release on Mochulka if concurring in opinion with the Magistrate. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 11. *C.* 2.

19. But due consideration must be given to the nature of the crime, the general character of the prisoner, and the risk to be apprehended from his release. *Beng. Ben. Ced. Prov.* 1803 *R* 53. § 11. *C.* 3.

20.

20. The power of imprisoning refractory witnesses in Civil Courts, under Section 6, Regulation 4 of 1793, is extended to all Criminal Courts. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 2. A. D. 1803

21. Such imprisonment shall continue until payment of the fine, or for a fixed period under Section 3, Regulation 14 of 1797, or till the witness consent to give evidence if the cause be still depending. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 2 *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 2.

22. If, on the revision of trials in the Ceded Provinces previous to 24th March 1803, the Muhamedan law exempt persons convicted of heinous offences, the Court of Circuit shall transmit the trial to the Nizamut Adaulut with an opinion on the imprisonment deemed adequate, if the Court should be of opinion that the release of the prisoner would be attended with danger; or may direct, that, previously to his release, he give security for his appearance and good behaviour. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 5.

23. On the reference of such trials, the Nizamut Adaulut may sentence the prisoner to confinement for life or for any other period deemed proper, or may direct that previous to his release the prisoner give security for his appearance and good behaviour. *Ced. Prov.* 1803 *R.* 51. § 3. *C.* 3.

24. Persons, committed for trial before the Court of Circuit by the Magistrate of Chandernagore and Chinsura, on charges of murder, robbery, burglary, arson, or counterfeiting the coin, shall be committed to close custody. *Beng.* 1805 *R.* 16. § 5. A. D. 1805

25. Persons, committed for forging stampt paper, shall be kept in close custody if unable to give sufficient bail for appearance. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 12. A. D. 1806

26. Magistrates, who have not qualified as Justices of Peace, if they see grounds for a charge for an unbailable offence against an European British subject, shall send him in safe custody to the Justices of Calcutta. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 3.

INDIGO.

I. *DUTIES ON INDIGO.*

1. Invoices of imported indigo are to be registered at the Custom-house, and quarterly reports of indigo imported and exported in foreign ships shall be forwarded by the Calcutta Custom Master to the Board of Trade. *Beng.* 1793 *R.* 42. § 55. *C.* 1. A. D. 1793

2. Manilla indigo is to pay the established duties on importation with drawback on re-exportation to England in the Company's tonnage, but without drawback on re-exportation in foreign ships. *Beng.* 1793 *R.* 42. § 55.

A. D. 1795 3. Indigo, exported to England on the Company's ships [illegible] export duty. *Beng.* 1795 *R.* 39 § 17. *C.* 1.

4. Also Manilla indigo re-exported to England. *Beng.* 1795 *R.* 39. § 17. *C.* 3.

A. D. 1797 5. Indigo, imported into the provinces by the way of Benares or Behar from any foreign country, is to pay fifteen per cent in addition to existing duties. *Beng. Ben.* 1797 *R* 9 § 2.

6 If by the way of Benares, one half of the duty is to be paid at Benares, and the other half at Manjee, on importation into Behar. *Beng. Ben* 1797 *R.* 9. § 3.

7. And for the half payable at Manjee, a bond shall be given, which shall be paid within six months, though the indigo be not imported into Behar; and, on failure of payment, double the amount may be recovered by attachment of the indigo, or of any other merchandize belonging to the importer. *Beng Ben.* 1797 *R.* 9 § 6.

8. If imported by the way of Behar, the whole fifteen per cent shall be paid at Manjee. *Beng. Ben.* 1797 *R.* 9. § 4

9. Such indigo shall be confiscated, if exported from Benares or imported into Behar as the produce of Benares, or of any other part of the provinces. *Beng. Ben.* 1797 *R.* 9. § 5.

10. The Custom Masters at Benares and Manjee are to communicate to each other monthly, or oftener if directed by the Board of Trade, all importations of foreign indigo; and are to compare such importations at their respective Custom-houses. *Beng. Ben.* 1797 *R* 9 § 7.

A. D. 1800 11. The export duty on indigo produced in the Company's provinces, or imported from the western provinces, shall be levied on a fixed valuation of 100 Rupees per factory Maund. *Beng* 1800 *R.* 11. § 5. *C.* 2.

12. The import duty on indigo imported from Manilla shall be taken on a valuation to be fixed by the Custom Master, on the best information which he can procure of its value. *Beng.* 1800 *R.* 11. § 5. *C.* 3.

A. D. 1801 13 The Calcutta town duty on Manilla indigo is to be taken on a valuation fixed from the best information. *Beng.* 1801 *R.* 5. § 4 *C.* 10.

14 The duty on indigo intended for exportation to England on the Company's ships, will be drawn back if exported in nine months. *Beng.* 1800 *R.* 5. § 6. *C.* 7.

Or may remain uncollected [illegible] be given for payment in case of its not [illegible] in nine months. *Beng.* [illegible] § 6. *C.* 8.

[illegible] to city duties. *Beng. Reg.* 1801 *R.* 10. § 6. *Ced. Prov.* 1805 A. D. [illegible]

17. [illegible] Government duties. *Beng.* 1801 *R.* 11. § 6. *C.* 6.

18. The city duties shall be drawn back on exportation from the city within six months, or [illegible] uncollected on security for payment if not exported in six months. *Beng. Reg.* 1801 *R.* 10. § 13. *Ced. Prov.* 1805 *R.* 6. § 18.

19. Indigo from the Vizeer's reserved or ceded territories is to pay the same duties with other goods, on the valuation of 100 Rupees per Maund, except that it shall pay only one per cent Calcutta town duties which shall not be returned on exportation by sea. *Beng. Reg.* 1802 *R.* 5. § 2. *C.* 2. A. D. 1802

20. Indigo from Benares shall pay two and half per cent duty at Benares on 100 Rupees per Maund, and no further duty on its passage through Behar, on importation into Calcutta, or exportation by sea. *Beng. Reg.* 1802 *R.* 5. § 3. *C.* 2.

21. Indigo, manufactured in the provinces, shall pay two and half per cent duty on 100 Rupees per Maund on its removal from the place of manufacture, and no duties on importation into Calcutta or on exportation by sea. *Beng.* 1802 *R.* 5. § 4. *C.* 2.

22. The Calcutta Custom Master is to keep a register of indigo imported into Calcutta under Ruwanas from the interior. *Beng.* 1802 *R.* 5. § 21.

23. Indigo seed is exempted from Government duties throughout the provinces and Benares and from the town duties at Calcutta and at all the cities. *Beng. Reg.* 1802 *R.* 5. § 14. *Ced. Prov.* 1805 *R.* 11. § 6. *C.* 9. 1805 *R.* 6. § 15.

24. Indigo, on importation from the Vizeer's dominions or Mahratta states into the Ceded Provinces, and on exportation, is to pay an import and export duty of five Rupees per Maund. *Ced. Prov.* 1807 *R.* 38. § 12. *C.* 6. A. D. 1807 re-enacted 1808 [illegible]

25. Indigo on importation into the Ceded Provinces from the Vizeer's dominions for sale, or from any foreign state, whether for sale or exportation, and on exportation, is to pay an import and export duty of five Rupees per Maund. *Ced. Prov.* 1806 *R.* 11. § 13. *C.* 9. A. D. 1806

II. RULES FOR THE CULTIVATION OF INDIGO.

[illegible] The following rules were enacted by Government [illegible] of the [illegible] by European [illegible] Benares. *Reg.* [illegible]

[illegible]

A. D 1795

2. All existing bona fide leases obtained before 20th March 1794, shall remain in force till they expire, but not beyond the decennial settlement. *Ben.* 1795 *R.* 33. § 4. *C.* 2.

3. Leases, since obtained, are void; and the lessees shall be dispossessed. *Ben.* 1795 *R.* 33. § 4. *C.* 3.

4. No new leases shall be entered into under pain of the European being sent to Calcutta. *Ben.* 1795 *R.* 33. § 4. *C.* 4.

5. After the expiration of the decennial settlement, no European shall hold more than fifty Begas of land. *Ben.* 1795 *R.* 33. § 4 *C.* 5.

6. British subjects and their native servants are prohibited under penalties, from seizing on any article or using compulsion upon venders. *Ben.* 1795 *R.* 33. § 4. *C.* 6.

7. Or from pressing artificers. *Ben.* 1795 *R.* 33. § 4. *C.* 7.

8. From cutting trees without the owner's consent. *Ben.* 1795 *R.* 33. § 4. *C.* 8.

9. Or from confining the tenants. *Ben.* 1795 *R.* 33. § 4. *C.* 10.

10. Indigo planters shall keep at each Court a regular Vakeel. *Ben.* 1795 *R.* 33. § 4. *C.* 9.

11. And shall bind themselves to obey all Regulations under penalty of being sent to Calcutta. *Ben.* 1795 *R.* 33. § 4. *C.* 11.

12. Europeans, taking up their abode in Benares without the sanction of Government, shall be sent to Calcutta. *Ben.* 1795 *R.* 33. § 4. *C.* 12.

13. The Resident of Benares, and the Aumils, were directed to afford every encouragement to the manufacture as advantageous to the country but were inhibited from using compulsion to compel the tenants to cultivate indigo. 1795 *R.* 33. § 5.

14. And provided it could be carried on without detriment to Individuals or to the good order and Government of the country. *Ben.* 1795 *R.* 33. § 6.

Rules of 4th July 1794.

15. The land obtained by Europeans on fair and voluntary engagements may be measured to them, if not liable to any of the following objections. *Ben.* 1795 *R.* 33. § 7. *C.* 1.

16.

16. [illegible] from the Pottahdar of Government and not from any of the subordinate Pottahdars. *Ben.* 1795 *R.* 33. § 7. *C.* 2. A. D. 1794

17. The lease [illegible] than a suitable Rayatee tenure in proportion to the whole land included in the Pottah of Government. *Ben.* 1795 *R.* 33. § 7. *C.* 3.

18. The lease of a [illegible] for the land of a Khodkasht Rayat is not valid without the concurrence of the Rayat. *Ben.* 1795 *R.* 33. § 7. *C.* 4.

19. A lease by the Amil is to be under the same restrictions with a lease by a Pottahdar, and must have the consent of the Canongoes. *Ben.* 1795 *R.* 33. § 7. *C.* 5.

Rules of 12th July, 1794.

20. Pottahdars and Amils are alone competent to lease land to Europeans. *Ben.* 1795 *R.* 33. § 8. *C.* 2.

21. Pottahdars shall not lease the lands of Khodkasht Rayats without their consent. *Ben* 1795 *R.* 33. § 8. *C.* 3.

Rules of 22d July, 1794.

22. Europeans may take leases from Khodkasht Rayats or from distinct Putteedars. *Ben* 1795 *R.* 33. § 9. *C.* 1.

23. The Canongoes are to fix the money rents payable by the Rayats and Putteedars on lands thus rented for indigo, if they formerly paid their rent to the Pottahdars or Amils in kind. *Ben.* 1795 *R.* 33. § 9. *C.* 2.

24. All authorities vested in the Resident of Benares for enforcing the above rules are transferred to the Zilla and City Courts. *Ben.* 1795 *R.* 33. § 10.

INFORMERS.

I. *IN MATTERS OF COMMERCE.*

1. Persons giving information of the illegal importation of foreign salt shall receive twenty-five per cent on the proceeds, if the salt be confiscated. *Ben* 1793 *R.* 30. § 3. A. D. 1793. Re-enacted 1795 R. 4. § 14.

2. Also of the illegal transportation of salt within the provinces. *Beng.* 1793 *R.* 30. § 8. *C.* 3. ditto

3. And shall receive twenty-five per cent on the proceeds of the boats, cattle, &c. used in the transportation. ditto § 10.

4. Gilgar informers [illegible] shall receive fifteen per cent on the proceeds. Re-enacted 1795 R. 4. § 17.

A. D. 1793 Re-enacted 1799 R. 6 § 21

5. And information of illegal purchases of opium, shall receive half of the fines imposed and of the proceeds of the confiscated opium. *Beng.* 1793 *R.* 32. § 5. *Ben.* 1795 *R.* 32. § 4.

A. D. 1794

6. Or information of the illicit manufacture or sale of liquors and drugs, shall receive half of the penalty levied from the offender, but shall pay all charges and such damages as may be awarded if the information be groundless or malicious. *Beng.* 1794 *R.* 1. § 3. ext. *Ben.* 1795 *R.* 47. § 9. *Ced. Prov.* 1803 *R.* 40. § 30.

A. D. 1795 Re-enacted 1801 R. 6 § 19

7. Persons, giving information of the illegal manufacture, sale, transportation or importation of salt, shall receive twenty-five per cent on the value of the salt if attached in consequence of their information. *Beng.* 1795 *R.* 40. § 2.

ditto

8. Estimated at the medium price at which similar salt sold at the last public sales. *Beng.* 1795 *R.* 40. § 5.

ditto

9. And payable by the Board of Trade immediately after judgment of confiscation *Beng.* 1795 *R.* 40. § 4.

Re-enacted 1803 R. 6 § 4 C. 1

10. Or giving information of the illegal importation of Muscat salt, shall receive twenty-five per cent on the value similarly estimated. *Beng.* 1795 *R.* 40. § 8.

11. Informers are to have two fifths of goods confiscated at the Calcutta Custom-house. *Beng.* 1795 *R.* 39. § 19. *C.* 2.

12. And at the Manjee Custom-house. *Beng.* 1795 *R.* 57. § 3.

A. D. 1799

13. Persons, giving information of illegal trade with the hill people on the Silhet frontier, shall have twenty-five per cent on the proceeds, but may be sued for damages for giving false information. *Beng.* 1799 *R.* 1. § 5.

14. Or giving information of contraband opium, shall receive twelve Annas per Seer, and one quarter of the penalty when the opium is seized. *Beng. Ben.* 1799 *R.* 6. § 21. *Ced. Prov.* 1803 *R.* 41. § 14.

15. One half of the penalty when the opium is not seized. *Beng. Ben.* 1799 *R.* 1. § 23. *Ced. Prov.* 1803 *R.* 41. § 16.

16. And one quarter of the proceeds of the boats, cattle, &c. used in the transportation. *Beng. Ben.* 1799 *R.* 6. § 24. *Ced. Prov.* 1803 *R.* 41. § 17.

A. D. 1800

17. And giving information of [illegible] from the Benares quarries are to have twenty-five per cent on all confiscated [illegible] and on the cattle, carriages and other property used or intended to be used in the removal of the stones, or fifty per cent if they make

make the ſeizure; but they may be ſued for damages unleſs they make reparation, if they ſeize ſtones improperly. *Ben.* 1800 *R.* 2. § 11. A. D. 1800

18. Giving information of adulterated ſalt, are to have one quarter of the fine levied. *Beng. Ben.* 1800 *R.* 4. § 9.

19. Or of frauds reſpecting ſtamps, ſhall have one half of the fine recovered. *Beng. Ben.* 1800 *R.* 7. § 7. and 27. *Ced. Prov.* 1803 *R.* 43. § 26.

20. And of goods not manifeſted at the Calcutta Cuſtom-houſe, are to have two fifths of the confiſcation and penalties levied. *Beng.* 1800 *R.* 11. § 3. *C.* 5.

21. The Board of Trade may, if they ſee cauſe, releaſe confiſcations and remit penalties incurred at the Calcutta Cuſtom-houſe, although a proportion of them be allotted to informers. *Beng.* 1800 *R.* 11. § 7. *C.* 1.

22. Or levy double duty in lieu of higher penalties. *Beng.* 1800 *R.* 11. § 7. *C.* 2.

23. Perſons, giving information of contraband goods, in regard to the town duties of Calcutta, are to have, jointly with the officers of Government who make the ſeizure, two fifths in equal proportions. *Beng.* 1801 *R.* 5. § 12. A. D. 1801

24. Alſo in regard to city duties. *Beng. Ben.* 1801 *R.* 10. § 24. *Ced. Prov.* 1805 *R.* 6. § 31.

25. And Government duties. *Beng.* 1801 *R.* 11. § 20. *C.* 2. *Ced. Prov.* 1804 *R.* 11. § 32. *C.* 2.

26. Perſons, giving information of the illegal importation of Muſcat ſalt, are to have twenty-five per cent on its value at the ſelling price of the laſt ſale. *Beng.* 1801 *R.* 6. § 4. *C.* 4.

27. Or information of private ſalt works, are to have one moiety of the fine levied; and the Board of Trade may diſtribute the reward among them according to the merit of their reſpective ſervices. *Beng.* 1801 *R.* 6. § 7. *C.* 5.

28. Or information of ſalt illegally imported, manufactured, ſold, or tranſported, ſhall, if the ſalt be attached, have twenty-five per cent on the value of it at the ſelling price of the laſt ſale. *Ben.* 1801 *R.* 6. § 19. *Ced. Prov.* 1803 *R.* 39. § 14.

29. Or information of the illegal manufacture or purchaſe of ſalt, ſhall alſo have one half of the fines levied. *Beng.* 1801 *R.* 6. § 30.

30. The proceeds of boats, bullocks, carriages &c. uſed in the tranſportation of illicit ſalt are to be divided as the confiſcation of the ſalt. *Beng.* 1801 *R.* 6. § 10.

A. D. 1802 31. Persons, giving information of illegal transactions at the European distilleries, shall have two fifths of all confiscations. *Beng.* 1802 *R.* 2. § 21.

32. And five per cent upon penalties and fines. *Beng.* 1802 *R.* 2 § 33.

A. D. 1806 33. Giving information of the illicit sale of stamp paper, shall receive one half of the mulcs levied. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 8.

II. *IN JUDICIAL MATTERS.*

A. D. 1793 Mentioned 1800 R. 10 § 8 &c. 1. A person, charging the Judge of a Zilla or City before a Provincial Court of Appeal with corruption, shall previously make oath to the truth of the charge, and give security, in a sum deemed sufficient, for prosecuting the charge. *Beng.* 1793 *R.* 5. § 10. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 1.

ditto 2. And a person charging the Judge of a Zilla, City, or Appeal Court before the Sudder Dewanny Adalut. *Beng.* 1793 *R.* [illegible] ext. *Ben.* 1795 *R.* [illegible] *Ced. Prov.* 1803 *R.* 5. § 8.

ditto 3. Also a person charging any ministerial officer of the Court, with corruption, before the Court to which the officer is attached. *Beng.* 1793 *R.* 13 § 9. *C.* 1. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* [illegible] § 12. *C.* 1.

ditto 4. Or charging, before the Sudder Dewanny or Nizamut Adalut, a ministerial officer of a Provincial Court or Appeal Court. *Beng.* 1793 *R.* 13 § 9. *C.* 2. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 2.

ditto 5. Or any ministerial officer of a Zilla or City Court. *Beng.* 1793 *R.* 13 § 9. *C.* 3. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 3.

ditto 6. Or charging before a Provincial Court of Appeal, any ministerial officer of a Zilla or City Court. *Beng.* 1793 *R.* 13 § 9. *C.* 4. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12 § 12. *C.* 4.

ditto 7. The same in the case of a law officer of a Court. *Beng.* 1793 *R.* 12. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 11 § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 1.

8. A Judge of a Zilla City or Appeal Court, acquitted on such charge, may sue the informer for damages. *Beng.* 1793 *R.* 6. § 8. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 8.

9. And the ministerial officer of a Court. *Beng.* 1793 *R.* 13. § 9. *C.* 12. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 12.

Ben.

10. The same in the case of a law officer. *Beng.* 1793 *R.* 12. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 1. A. D. 1793

11. On any information being preferred against any European public officer in the Revenue or Commercial Department for corruption, the Governor General in Council will determine whether the prosecution shall be left to the informer, or undertaken on the part of Government, and, in the latter event, the person, who exhibited the information, may be examined upon oath on the part of the prosecution. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 10. A. D. 1806

12. Or on any such information preferred against any European judicial officer. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 9.

13. The informer may also communicate in writing with the Board of Revenue or [illegible] the other [illegible] the prosecution. *Beng. Ben. Ced. Prov.* 1806 [illegible]

14. Should such information [illegible] the informer [illegible] to a prosecution for damages [illegible] and the Governor General in Council may order the expense of the investigation to be recovered, under the orders of the Sudder Dewanny Adalut, from the informer. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § [illegible]

15. Security in the sum [illegible] required for the prosecution of any charge of corruption, [illegible] may be required if deemed necessary during the inquiry. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 10.

INHERITANCE.

ESTATES IN GENERAL.

1. Suits to the right or succession to real property are to be heard in the Civil Courts. *Beng.* 1793 *R.* 3. § 8. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 5. A. D. 1793

2. The Courts are to include, in their decrees concerning the succession to real property, all the claimants in the proportions to which they are entitled. *Beng.* 1793 *R.* 3. § 13. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 19.

3. And are to send to the Collectors and Board of Revenue copy of every decree regarding land paying revenue to Government, or concerning the possession of it, in ten days from its being passed or received for execution. *Beng.* 1793 *R.* 4. § 9. *Ben.* 1795 *R.* 8. § 4. *C.* 2. *Ced. Prov.* 1803 *R.* 3. § 11. *C.* 1. Modified 1795 R. 8 § 4

4. The law of the parties is to be followed in form regarding succession and inheritance, and is to be expounded by the law officers. *Beng.* 1793 *R.* 4. § 15. *Ben.* 1795 *R.* 8. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 1.

5. On a written statement of the facts referred to them by the Court. *Beng.* 1793 *R.* 4. § 16. ext. *Ben* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 17.

6. The succession to land, Malguzaree or Lakheraj, shall not be confirmed by the Board of Revenue without the previous sanction of Government. 1793 *R.* 2 § 46.

7. Estates, forfeited for resistance to process of Zilla Courts, may be conferred by Government on the heirs of the offenders. *Beng.* 1793 *R.* 4. § 23. *Ben.* 1795 *R.* 8. § 6. *C.* 2. *Ced. Prov.* 1803 *R.* 3. § 24.

8. Or for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 24. *Ben.* 1795 *R.* 9. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 4. § 24.

9. Or to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 25. *Ben.* 1795 *R.* 10. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 5. § 25.

10. Or to Collectors of Revenue. *Beng.* 1793 *R.* 14. § 18. *Ben.* 1795 *R.* 6. § 25. *Ced. Prov.* 1803 *R.* 27. § 25.

11. The assessment on landed estates, for which a settlement has been made with the proprietors, shall be continued to the proprietors and their heirs for ever. *Beng.* 1793 *R.* 1. § 4. *Ben.* 1795 *R.* 1. § 2.

12. And on estates now farmed or held Khas, if hereafter restored to the proprietor. *Beng.* 1793 *R.* 1. § 5. *Ben.* 1795 *R.* 27. § 2.

13. And on estates the property of Government, if transferred to individuals. *Beng.* 1793 *R.* 1. § 6. *Ben.* 1795 *R.* 27. § 3.

14. And on resumed rent-free lands: whether revertible to the Zemindar. *Beng.* 1793 *R.* 19. § 8. *Ben.* 1795 *R.* 41. § 8.

15. Or to Government. *Beng.* 1793 *R.* 19. § 9. *Ben.* 1795 *R.* 41. § 9.

16. And on a Bedsiahee grant, resumed, expired, or escheated. *Beng.* 1793 *R.* 37. § 6. *Ben.* 1795 *R.* 42. § 6.

17. The landed estate of any person dying intestate after 1st July 1794, shall be inherited by all the heirs entitled by law in their respective proportions. *Beng.* 1793 *R.* 11. § 2. *Ben.* (after the beginning of 1204) 1795 *R.* 44. § 2.

18.

18. All such heirs, and any one or more, may hold the estate or their shares joint; or one or more or all may call for a division of the estate, or for the separate possession of his or their shares. *Beng.* 1793 *R.* 11. § 3. *Ben.* 1795 *R.* 44. § 3. A. D. 1795

19. Those, who choose to continue joint, shall elect a manager. *Beng.* 1793 *R.* 11. § 4.

20. No claim will be admitted for a share in an estate which devolved entire to one person previous to 1st July 1794. *Beng.* 1793 *R.* 11 § 5. *Ben.* (previous to 1204) 1795 *R* 44. § 5.

21. And landholders may bequeath their entire estate to one heir, or in proportions to two or more heirs, if such bequest be not repugnant to the law of their religion and the Regulations of Government. *Beng.* 1793 *R.* 11. § 6. *Ben* 1795 *R.* 44. § 6.

22. Persons, who have succeeded by inheritance to Talooks with proprietary rights, are to be considered proprietors of the soil. *Beng.* 1793 *R* 8. § 5 *C.* 5.

23. The succession to Zemindaries in Benares is to be according to the law of the country and Regulations of Government. *Ben.* 1795 *R.* 1. § 3. *C.* 4. A. D. 1795

24. Suits in Benares for inheritance of landed property are to be decided according to the law of the parties; or, if the parties be of different religions, according to the law of the defendant; or, if the defendant be neither Hindoo nor Mahometan, according to the law of the plaintiff. *Ben.* 1795 *R.* 8. § 3. *C* 2.

25. The Courts are to send to the Collector and to the Board of Revenue, decrees affecting the right in, or possession of, rent-free lands. *Beng. Ben.* 1795 *R.* 58. § 3. *Ced. Prov.* 1803 *R.* 36. § 45.

26. And only such decrees, concerning Malguzaree land, as affect the right or the possession. *Beng. Ben.* 1795 *R.* 58. § 4. *Ced. Prov.* 1803 *R.* 3. § 11. *C.* 2.

27. Estates devolving to disqualified landholders in the regular course of inheritance on the demise of the party from whom they inherit the same, are alone subject to the ordinary jurisdiction of the Court of Wards; but lands, which did not so devolve, shall not be exempted from that Court's jurisdiction, if now under its charge; and lands, which do not so devolve, may be committed to the charge of that Court by order of Government. *Beng.* 1796 *R.* 3. § 2. *Ced. Prov.* 1803 *R* 52. § 7. A. D. 1796

28. In suits regarding inheritance or succession to landed property referred to the native Commissioners of land suits in Chittagong, the decision is to be regulated by the law of the religion of the parties on an exposition from the Zilla law officers. *Beng.* 1797 *R.* 18. § 5 *C.* 2. A. D. 1797

A. D. 1797 29. The Commissioners are to publish a notification requiring all persons who have any claim to such property to prefer the same; and shall include, in their decisions, all claimants having a legal title to a share. *Beng.* 1797 *R.* 18. § 5. *C.* 3.

A. D. 1799 30. The heir of an intestate ancestor, if of age and competent, (or his guardian, if he be under age or incompetent, and not subject to the Court of Wards,) may take possession of the deceased's estates without application to the Civil Courts; who are prohibited from interfering except on a regular complaint. *Beng. Ben.* 1799 *R.* 5. § 3. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 3.

31. Also more heirs than one, if they agree among themselves in the appointment of a manager: but, if the succession be disputed, the Court shall take security from the party who may have taken possession; or shall give possession to any other of the claimants able to give security, if the party in possession be unable. *Beng. Ben.* 1799 *R.* 5. § 4. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 4.

32. If none of the claimants can give security, or there be no person authorized or willing to take charge, the Court shall appoint an administrator for the care of such estate till the decision of the suit, or till the heir or other person entitled to it shall attend and establish his claim. *Beng. Ben.* 1799 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 5.

33. If the heir of a testate ancestor be not subject to the Court of Wards, the executors may take charge of the estate without any application to the Civil Courts, who are prohibited from interfering except on a regular complaint against the executors. *Beng. Ben.* 1799 *R* 5. § 2. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 2.

34. Succession to a dependent Talook is to be registered in the Cucherry of the Zemindar. *Beng.* 1799 *R.* 7. § 15. *C.* 8.

A. D. 1800 35. Persons not reporting to the Collector their succession to a landed estate, or pretending to a succession which has not taken place, may be fined by Government on report of the Collector through the Board of Revenue: guardians of minor heirs are to report the ward's succession under the same penalty. *Beng. Ben.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42. § 41.

36. The succession to landed estates in the Jungul Mehals of Midnapoor and other districts, if there be no will, shall be according to local custom notwithstanding Regulation 11 of 1793. *Beng. Ben.* 1800 *R.* 10. § 2.

A. D. 1805 37. And in Zilla Cuttack. *Ben.* 1805 *R.* 12. § 36.

38.

38. Though landed property may have been acquired by an insufficient title within the period of sixty years, if it have descended by inheritance to the person in possession twelve years before the suit, any claim to such property shall be deemed inadmissible. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 3. *C.* 3. A. D. 1805

39. A report of any British subject dying intestate, shall be made to the Register of the Supreme Court, and the property shall be delivered to him or to any other person producing letters of administration or probate of a will. *Beng. Ben. Ced. Prov.* 1806 *R.* 15 § 6. A. D. 1806

II. *PENSIONS AND RENT-FREE LAND.*

1. No pensions shall be continued to the heirs of the grantee without the sanction of Government, whether by the terms of the grants hereditary or not. *Beng.* 1793 *R.* 43. § 4. A. D. 1793

2. Rent-free lands shall not descend to heirs, if the grant be for the life of the grantee; or, when the grant is not forthcoming or does not specify whether it be hereditary or not, unless it be proved, from the nature and denomination of the grant, that the tenure is hereditary according to the usage of the country. *Beng.* 1793 *R.* 19. § 2. *C.* 4. *Ben.* 1795 *R.* 41. § 2. *C.* 4. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 5. *Cuttack* 1805 *R.* 12. § 18 *C.* 5.

3. Nor a Badshahee grant. *Beng.* 1793 *R.* 37. § 2. *C.* 4. *Ben.* 1795 *R.* 42. § 2. *C.* 5. *R.* 42. § 2. *C.* 5. *Ced. Prov.* 1803 *R.* 36. § 2. *C.* 5. *Cuttack* 1805 *R.* 12. § 26. *C.* 5.

4. But a report of the case shall be made to the Governor General in Council for his orders, if one or more successions shall have taken place before the date of the Dewannee. *Beng.* 1793 *R.* 19. § 2. *C.* 4. *Ben.* (before the cession) 1795 *R.* 41. § 2. *C.* 4. *Ced. Prov.* (before 1st January 1801) 1803 *R.* 31. § 2. *C.* 5. *Cuttack* (before 14th October 1803) 1805 *R.* 12. § 18. *C.* 5.

5. Or if a life grant shall have been confirmed as hereditary by Government or its officers. *Beng.* 1793 *R.* 19. § 2. *C.* 5. *Ben.* 1795 *R.* 41. § 2. *C.* 5.

6. Hereditary grants are transferrible by sale, gift &c. and any succession to rent-free tenures shall be notified in six months to the Collector. *Beng.* 1793 *R.* 19. § 20. *Ben.* 1795 *R.* 41. § 20. *Ced. Prov.* 1803 *R.* 31. § 15.

7. Altumgha, Ayma and Mududmaash are to be considered hereditary and transferrible; and the other hereditary Badshahee grants may be similarly transferred. *Beng.* 1793 *R.* 37. § 15. *Ben.* 1795 *R.* 42. § 15. *Ced. Prov.* 1803 *R.* 36. § 5.

8.

A. D. 1793 8. Grants, which are not hereditary, shall not be transferred nor mortgaged beyond the life of the grantee. *Beng.* 1793 *R.* 19. § 2 *C.* 5. *Ben.* 1795 *R.* 41. § 2. *C.* 5. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 6. *Cuttack* 1805 *R.*, 12. § 18. *C.* 6.

9. Nor Badshahee grants which are not hereditary. *Beng.* 1793 *R.* 37. § 2. *C.* 5. *Ben.* 1795 *R.* 42. § 2. *C.* 6. *Ced. Prov.* 1803 *R.* 36. § 2. *C.* 6. *Cuttack* 1805 *R.* 12. § 26. *C.* 6.

A. D. 1795 10. Pensions in Benares, granted as compensations for resumed land, are hereditary. *Ben.* 1795 *R.* 34. § 2.

11. Those granted to dispossessed landholders are not to go to their heirs without the sanction of Government. *Ben.* 1793 *R.* 34. *C.* 3.

12. The hereditableness of all other pensions depends on the grants; and each case is to be reported by the Collector through the Board of Revenue for the orders of Government. *Ben.* 1795 *R* 34 § 4.

13. The Civil Courts are to send to the Collector and Board a copy of every decree concerning Lakheraj land. *Beng. Ben.* 1795 *R.* 58. § 3. *Ced. Prov.* 1803 *R.* 36. § 43.

A. D. 1803 14. Pensions in the Ceded Provinces, granted as indemnification for the resumption of land held under grants in perpetuity, shall descend to heirs and may be sued for and inherited as other property. *Ced. Prov.* 1803 *R.* 24. § 2.

15. But not pensions granted as an indemnification for lands held under a life tenure. *Ced Prov* 1803 *R.* 24. § 3.

A. D. 1805 16. Pensions in Cuttack are to descend to heirs or revert to Government, as shall appear proper to the Governor General in Council on consideration of the tenor of the grant and circumstances of the case. *Beng.* 1805 *R.* 12. § 30.

III. *INVALID'S JAGEERS.*

A. D. 1793 Regulation 1804 R. 1 § 9 1. The Jageers of invalided Sepoys are to devolve to their heirs. *Beng.* 1793 *R.* 43. § 5. *C.* 4.

ditto 2. Who may dispose of them to other invalids on the same terms, on which they could themselves have held them. *Beng.* 1793 *R.* 43. § 5. *C.* 9.

ditto 3 Such Jageers, after devolving to heirs, shall be liable for debts contracted by the heirs. *Beng.* 1793 *R* 43 § 27.

4. If the invalid die without heirs, a fresh man may take the land on the same terms as an heir. *Beng.* 1793 *R.* 43. § 5. *C.* 8. A. D. 1793 Re-enacted 1804 R. 1. § 9

5. But, if he die without heirs after the officers of Government have been withdrawn from the T'hana, the Jageer shall revert to the Zemindar. *Beng.* 1793 *R.* 43. § 5. *C.* 18. ditto

6. Heirs of invalided Sepoys are to hold the ancestor's Jageer five years at one tenth of the produce. *Beng.* 1793 *R.* 43. § 5. *C.* 5. ditto

7. And afterwards at two thirds of the usual assessment of similar lands. *Beng.* 1793 *R.* 43. § 5. *C.* 6. ditto

8. If the invalid die in less than seven years from being put in possession, the heir shall hold it rent-free for the remainder of the seven years. *Beng.* 1793 *R.* 43. § 5. *C.* 7. Modified 1795 R. 56 § 1

9. If the heir of an invalid leave the land uncultivated for one year after it devolves to him, it shall revert to the Zemindar unless taken on the prescribed terms by another invalid or heir of an invalid. *Beng.* 1793 *R.* 43. § 5. *C.* 10. Re-enacted 1804 R. 1 § 9

10. Heirs of invalids who took land on retiring from the service, shall hold it as a Mokurrure at the rent fixed by the Collector. *Beng.* 1793 *R.* 43. § 33. *C.* 9. *Ben.* 1795 *R.* 43. § 2. *C.* 7.

11. And if the invalid die within five years from the date of his grant, the heir shall hold it rent-free till the expiration of the five years. *Beng.* 1793 *R.* 43. § 33. *C.* 11. *Ben.* 1795 *R.* 43. § 2. *C.* 9.

12. The heir of an invalid Sepoy shall hold the land rent-free for the remainder of ten years from the date of his ancestor's having been put in possession, if the ancestor should die within ten years. *Beng.* 1795 *R.* 56. § 2. Modified 1804 R. 1 § 9 C. 7

13. The Jageers of invalided Sepoys are to devolve to their heirs. *Beng.* 1804 *R.* 1. § 9. *C.* 4. A. D. 1804

14. Who may dispose of them to other invalids on the same terms on which they could themselves have held them. *Beng.* 1804 *R.* 1. § 9. *C.* 9.

15. If the invalid die without heirs, a fresh man may take the land on the same terms as an heir. *Ben.* 1804 *R.* 1. § 9 *C.* 8.

16. But if he die without heirs and intestate after the officers of Government have been withdrawn from the T'hana, the Jageer shall devolve to the Zemindar. *Beng.* 1804 *R.* 1. § 9. *C.* 16.

A. D. 1804

17. Heirs of invalided Sepoys are to hold the anceſtor's Jageer five years at one tenth of the produce. *Beng.* 1804 *R.* 1. § 9. *C.* 5.

18. And afterwards at two fifths of the annual produce of ſimilar lands. *Beng.* 1804 *R.* 1. § 9. *C.* 6.

19. If the heir of an invalid leave the land uncultivated for one year after it devolves to him, it ſhall revert to the Zemindar unleſs taken on the preſcribed terms by another invalid or heir of an invalid. *Beng.* 1804 *R.* 1. § 9. *C.* 10.

20. If the invalid die in leſs than ſeven years from being put in poſſeſſion, the heir ſhall hold it rent-free for the remainder of the ſeven years *Beng.* 1804 *R.* 1. § 9 *C.* 7.

21. Such Jageers, after devolving to heirs, ſhall be liable for debts contracted by the heirs. *Beng.* 1804 *R.* 1. § 16.

IV. *PERSONAL PROPERTY AND PRIVILEGES.*

A. D. 1793

1. Heirs of a pleader, dying previous to the deciſion of the cauſe, ſhall not be entitled to the fees on account of ſuch cauſe. *Beng.* 1793 *R.* 7. § 10. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 9.

Reſcinded 1797 R. 4 § 2

2. In convictions for murder, the Court of Circuit is to make the reference to the heir of the ſlain preſcribed by the Muhamedan law. *Beng.* 1793 *R.* 9. § 52. ext. *Ben.* 1795 *R.* 16. § 22.

ditto

3. But if the heir refuſe to proſecute, or do not appear, or declare his intention of pardoning the murderer, or ſhall not have attained the legal age for demanding Kiſſas, the Court ſhall call on the law officers to declare what would have been the Futwa in caſe the heir had attended and proſecuted and been of legal age and demanded Kiſſas. *Beng.* 1793 *R.* 9. § 55. ext. *Ben.* 1795 *R.* 16. § 22.

ditto

4. The will of the heir is not to operate in trials for murder; but the Nizamut Adaulut ſhall ſentence the offender to death if convicted, although the heir pardon him or require Deyut. *Beng.* 1793 *R.* 9. § 76. ext. *Ben.* 1795 *R.* 16. § 22.

Reſcinded 1799 R. 7 § 26

5. The legal heir of a diſqualified landholder is to be preferred in the ſelection of a manager, if otherwiſe fit for the truſt. *Beng* 1793 *R.* 10. § 8. *C.* 1.

6. But the legal heir or perſon intereſted in ſurviving the ward ſhall not be appointed guardian. *Beng.* 1793 *R.* 10. § 21. *Ced. Prov.* 1803 *R* 52. § 25.

7. The heir of a diſqualified landholder may ſue the Collector or guardian or manager in the Civil Courts for any acts done in oppoſition to the Regulations while the eſtate was under their charge. *Beng.* 1793 *R.* 10. § 36. *Ced. Prov.* 1803 *R.* 52. § 40.

8.

8. The office of keeper of judicial records is not hereditary. *Beng.* 1793 R. 18. § 3. ext. *Ben.* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 3. A. D. 1793

9. Nor the office of keeper of revenue records. *Beng.* 1793 *R.* 21. § 3. ext. *Ben.* 1795 *R.* 30. § 2. *Ced. Prov.* 1803 *R.* 23. § 3.

10. Nor the office of Cazee. *Beng.* 1793 *R.* 39. § 5. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 5.

11. Heirs may distrain for the rents due to their predecessors. *Beng.* 1793 *R.* 17. § 30. *Ben.* 1795 *R.* 45. § 28. *Ced. Prov.* 1803 *R.* 28. § 28.

12. If a person die leaving a balance due on account of the Police tax, the person, who may inherit the property, shall make it good. *Beng.* 1793 *R.* 23. § 31. Expired

13. After the death of a public officer in charge of public money or accounts, any demand of Government on the deceased must be sued regularly against his heirs. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27 *Ced. Prov.* 1803 *R.* 33. § 3. A. D. 1794

14. The will of the heir is not to operate in trials for murder before the assembly of Bhaugulpoor hill chiefs. *Beng.* 1796 *R.* 1. § 13. *C.* 4. A. D. 1796

15. In trials for murder, the Court of Circuit, without making any reference to the heirs of the slain, shall require the law officer to declare the punishment, to which the prisoner would be liable, supposing that all the heirs, entitled to prosecute, had attended and prosecuted at an age competent to demand Kissas and had demanded Kissas. *Beng. Ben.* 1797 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 2. A. D. 1797.

16. And the law officers of the Nizamut Adaulut, in writing their Futwa on such trials, shall always assume that all such heirs of the slain had so attended, &c. *Beng. Ben.* 1797 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 8. § 11.

17. The rule for preferring the legal heir of a disqualified landholder for the trust of manager is rescinded, and the manager shall be chosen without any regard to connexion with the proprietor. *Beng.* 1799 *R.* 7. § 26. *Ced. Prov.* 1803 *R.* 52. § 12. A. D. 1799

18. If there be no claimant to the personal property of an intestate, the Court shall take measures for the temporary charge of it, and advertise for the heir or other person entitled to receive it, on the spot, at the Court house, at the deceased's dwelling, and in the Calcutta Gazette if the deceased were an European; and shall deliver the property to any person proving his claim, or report the case with an inventory to Government if no claimant appear in twelve months. *Beng. Ben.* 1799 *R.* 5. § 7. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 7.

19.

A. D. 1800 19. If a sharer in a joint undivided estate leave heirs under age, lunatics, or idiots, without nominating by will a guardian, the Civil Court on receipt of well grounded objections from the Collector or any person interested in the family welfare against the next of kin as unfit to be trusted with the care of the person or estate of the heir, shall nominate a proper guardian to the heir reporting it to the Sudder Dewannee Adaulut. *Beng. Ben.* 1800 *R.* 1. § 1. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 8.

20. The guardianship shall in no instance be entrusted to the legal heir of the ward, or other person interested in outliving him. *Beng. Ben.* 1800 *R.* 1. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 9.

A. D. 1804 21. Nothing in the Regulation shall be constructed to establish a claim of inheritance to any public office. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 24.

A. D. 1805 22. The will of the heir of the slain shall not be allowed to operate on trials for murders committed within the settlements of Chandernagore and Chinsura; but the Futwa and sentence in such causes shall be given without any reference to the heir on a supposition that he had demanded Kissas. *Beng.* 1805 *R.* 16. § 3. *C.* 3.

INQUESTS.

A. D. 1797 1. Police officers, on receiving notice of a person dying an unnatural death, shall proceed to the spot. *Beng.* 1797 *R.* 4. § 9. *C.* 1. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 1.

2 Shall ascertain the number, length, depth and breadth of the wounds on the body, with what weapon and on what part inflicted. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 2.

3. Shall describe the place where the body was found, and whether it appear to have been killed there or brought there; and shall ascertain the name of the deceased if it be known. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 3.

4. Shall endeavour to ascertain where he was last seen, and where he slept the preceding night if he be a stranger and his name unknown. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 4. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 4.

5. And shall make these inquiries in presence of creditable neighbours, requiring them to attest a written narrative, which they and their Mohurers shall also attest, and send without delay to the Magistrate. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 5. *Ced. Prov.* 1803 *R.* 35 § 25. *C.* 5.

A. D. 1803 6. And shall endeavour to secure the instrument with which a murder may appear to have been committed in order to its production on the trial. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 6.

7.

INSURANCE AND RESPONDENTIA.

Rules respecting interest do not extend to respondentia loans or policies of insurance, the interest on which is to be regulated by the terms of the deeds and the laws and usages respecting such transactions. *Beng.* 1793 *R.* 15. § 12. *Ced. Prov.* 1803 *R.* 34. § 11.

INTEREST.

1. The Civil Courts, in Bengal, Behar and Orissa, are not to decree higher or lower rates of interest than the following, if the cause of action arose previous to 28th March 1780. *Beng.* 1793 *R.* 15. § 2. *C.* 1.

2. Thirty-seven and half per cent per annum on sums not exceeding 100 Rupees. *Beng.* 1793 *R.* 15 § 2. *C.* 2.

3. Twenty-four per cent on larger sums. *Beng.* 1793 *R.* 15. § 2. *C.* 3.

4. Nor than the following rates, if it arose between the 28th March 1780, and 1st January 1793. *Beng.* 1793 *R.* 15. § 3. *C.* 1.

5. Twenty-four per cent on sums not exceeding 100 Rupees. *Beng.* 1793 *R.* 15. § 3. *C.* 2.

6. Twelve per cent on larger sums. *Beng.* 1793 *R.* 15. § 3. *C.* 3.

7. Nor, if it arose on or after 1st January 1793, more than 12 per cent per annum on all sums. *Beng.* 1793 *R.* 15. § 4.

8. But if a lower rate be stipulated between the parties, such lower rate shall be abided by. *Beng.* 1793 *R.* 15. § 5. *Ced. Prov.* 1803 *R.* 34. § 4.

9. These rates do not include respondentia loans and policies of insurance, the interest on which is to be regulated by the terms of the deed and the usages regarding such transactions. *Beng.* 1793 *R.* 15. § 12. *Ced. Prov.* 1803 *R.* 34. § 11.

10. The Courts are not to award a greater sum for interest than the principal, though it may have accumulated so as to exceed it. *Beng.* 1793 *R.* 15. § 6. *Ced. Prov.* 1803 *R.* 34. § 5.

11. Nor compound interest, except on an adjustment of accounts whereby the principal and interest have been consolidated into a new bond. *Beng.* 1793 *R.* 15. § 7. *Ced. Prov.* 1803 *R.* 34. § 6.

12. Nor any interest, where the instrument, if dated on or after 28th March 1780, specifies a greater interest than is allowed by the Regulations. *Beng.* 1793 *R.* 15. § 8. *Ced. Prov.* (after 1st January 1804) 1803 *R.* 34. § 7.

A. D. 1793

13. And are to dismiss the suit where the cause of action arose on or after 28th March 1780, if a greater interest shall have been received or any device practised to elude the law. *Beng.* 1793 *R.* 15. § 9. *Ced. Prov.* (after 1st January 1804) 1803 *R.* 34. § 8.

14. Mortgages of real property, until the 28th March 1780, are to have the usufruct in lieu of interest if so stipulated; and, subsequent thereto, the same interest as other loans; and are to be deemed cancelled whenever the principal sum with simple interest shall have been realized from the usufruct of the mortgaged property or otherwise liquidated by the mortgage. *Beng.* 1793 *R.* 15. § 10. *Ced. Prov.* (until 10th November 1801) 1803 *R.* 34. § 9. *Cuttack* (until 14th October 1803) 1805 *R.* 14. § 9. *C.* 6.

Modified 1799 R. 7 § 23 C. 1

15. The Board of Revenue, after submitting the case to the Governor General in Council and receiving his sanction, may charge revenue defaulters with interest on the arrears, at the rate of 12 per cent per annum from its becoming payable till discharged, if the defaulters appear to have wantonly and without cause withheld payment. *Beng.* 1793 *R.* 14. § 7. *Ben.* 1795 *R.* 6. § 12.

16. Interest on advances for the repairs of embankments &c. made to landholders &c. is to be 12 per cent per annum. *Beng.* 1793 *R.* 33. § 10. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 10.

17. And on Tuccavee advances. *Beng.* 1793 *R.* 2. § 44. *Ben.* 1795 *R.* 5. § 36.

D. 1796

18. When an Appeal Court confirms a decree, they shall adjudge one per cent per mensem interest on all sums receivable by the respondent under the decree from its date. *Beng. Ben.* 1796 *R.* 13. § 3. *Ced. Prov.* 1803 (in Provincial Courts) *R.* 4. § 35. (in Sadder Dewannee Adaulut) *R.* 5. § 12.

A. D. 1798

19. The rules for cancelling mortgages, whenever discharged with simple interest, is declared not to apply to conditional sales of Beyebul Wufa, or Kutkubala. *Beng. Ben.* 1798 *R.* 1. § 3. *Ced. Prov.* 1803 *R.* 34. § 13.

20. It not being intended to alter the terms of such contracts, illegal interest excepted. *Beng. Ben.* 1798 *R.* 1. § 5. *Ced. Prov.* 1803 *R.* 34. § 15.

A. D. 1799

21. The Collectors are not to wait the order of the Revenue Board, nor the sanction of Government, for charging interest on revenue arrears; but, if the Collectors deem a defaulter entitled to an exemption from interest, they shall report the case to

the Board. *Beng.* 1799 *R.* 7. § 23. *C.* 1. *Ben.* 1800 *R.* 3. § 21. *Ced. Prov.* 1803 *R.* 27. § 12.

22. When the attachment of a revenue defaulter's lands shall be deemed not expedient, though the arrear be deemed wilful or arising from neglect &c. the Board may, in addition to the prescribed interest, impose a penalty of one per cent per mensem; which is to cease if the attachment be subsequently made. *Beng. Ben.* 1801 *R.* 1. § 2.

23. The Courts, in the Provinces ceded by the Nuwab Vizier to the Company, are not to decree higher or lower rates of interest than the following, if the cause of action arose before 10th November 1801. *Ced. Prov.* 1803 *R.* 34. § 2. *C.* 1.

24. Thirty per cent per annum on sums not exceeding 100 Rupees. *Ced. Prov.* 1803 *R.* 34. § 2. *C.* 2.

25. Twenty-four per cent on larger sums. *Ced. Prov.* 1803 *R.* 34. § 2. *C.* 3.

26. Nor if it arose on or subsequent to 10th November 1801, more than 12 per cent on all sums. *Ced. Prov.* 1803 *R.* 34. § 3.

27. The following rules are enacted for the payment of interest in Cuttack. *Beng.* 1805 *R.* 14. § 9. *C.* 1.

28. If the cause of action originated before 14th October 1803, two and a half per cent per mensem on sums not exceeding 100 Rupees, and two per cent on larger sums. 1805 *R.* 14. § 9. *C.* 2.

29. If the cause of action arose on or after 14th October, twelve per cent per annum on all sums. 1805 *R.* 14. § 9. *C.* 3.

30. No interest is to be allowed on any instrument executed on or after 14th October 1803, which shall specify a higher rate of interest that twelve per cent per annum. 1805 *R.* 14. § 9. *C.* 4.

31. And the suit is to be dismissed with costs on proof of any attempt to elude these rules by a deduction from the principal or any other device. 1805 *R.* 14. § 9. *C.* 5.

32. Regulation 34 of 1803, is extended to the Conquered Provinces and Bundelkhund. *Ben. Ced. Prov.* 1805 *R.* 8. § 23. *C.* 1.

33. The 30th December 1803, shall be adopted in the Conquered Provinces, and the 16th December 1803 in Bundelkhund, in lieu of the date specified in Sections 2, 3 and 9, Regulation 34 of 1803; and the 1st January 1806, in lieu of the date specified in Sections 7 and 8, of that Regulation. *Ben. Ced. Prov.* 1805 *R.* 8. § 23. *C.* 2.

34. The several provisions of Regulation 15 of 1793, are extended to the province

A. D. 1806 of Benares from the commencement of the year 1807, subject to the following modifications. *Ben.* 1806 *R.* 17. § 2.

35. If the cause of action shall have arisen before the year 1807, the Courts are to decree whatever rate of interest may have been voluntarily stipulated, or interest according to the law and usage of the province if no specific rate shall have been stipulated. *Ben.* 1806 *R.* 17. § 3.

36. If the cause of action shall have arisen after the beginning of the year 1807, the Courts shall not decree interest above the rate of one per cent per mensem. *Ben.* 1806 *R.* 17. § 4.

37. The forfeiture of interest under Section 8, Regulation 15 of 1793, and the forfeiture of principal and interest under Section 9, Regulation 15 of 1793, shall not be considered applicable to loans bonâ fide contracted, and to instruments voluntarily entered into, before the beginning of the year 1807. *Ben.* 1806 *R.* 17. § 5.

38. The rule of Section 10, Regulation 15 of 1793, for the redemption of the mortgaged property when the principal and simple interest shall have been realized from the usufruct, shall not be applied to any subsisting engagement voluntarily contracted before the beginning of the year 1807. *Ben.* 1806 *R.* 17. § 6.

39. When no property either of the defendant or his sureties can be pointed out, the Court may accept of an engagement with security for the payment by instalments, without interest. *Beng. Ben. Ced. Prov.* 1806 *R.* 2 § 10.

INTESTATES.

A. D. 1793 1. The landed property of a person dying after 1st July 1794 without a will written or verbal, shall be inherited by his legal heirs in the shares which the law of their religion may entitle them to. *Beng.* 1793 *R.* 11. § 2. *Ben.* (after the beginning of 1204) 1795 *R.* 44. § 2.

Re-enacted 804 R. 1 § 9 C. 16 2. The Jageer of any invalided Sepoy dying intestate and without heirs, shall revert to the Zemindar. *Beng.* 1793 *R.* 43. § 5. *C.* 18.

A. D. 1799 3. The heir of an intestate native, if of full age and competent, (or, if he should be under age or incompetent but not subject to the jurisdiction of the Court of Wards, the legal guardian of the minor,) may take charge of the estate without application to the Civil Courts who are prohibited from interfering except on a regular complaint, in which the Court shall proceed as in other suits, and be guided by the opinion of the law officer subject to any modifications enacted by Government. *Beng. Ben.* 1799 *R.* 5. § 3 *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 3.

4.

4. If there be more heirs than one, and they agree among themselves respecting the management, they are at liberty to take possession, and the Courts are not to interfere except on a regular complaint: if one or more of several heirs shall have taken possession, the Court, on a regular complaint from the other heirs, shall take security from the party in possession to abide the suit, or, in default of such security, shall give possession to any other of the claimants on similar security. *Beng. Ben.* 1799 *R.* 5. § 4. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 4. A. D.

5. Or shall appoint an administrator, if neither party can give such security; also, if no authorized party appear or be willing to take the charge. *Beng. Ben.* 1799 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 5.

6. Such administrators are to be sworn by the Court and allowed a per-centage on the proceeds of the estate, with the sanction of the Sudder Dewannee Adaulut on report from the Court. *Beng. Ben.* 1799 *R.* 5. § 6 *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 6.

7. And the Judge shall deliver over the estate, with a full account of receipts and disbursements, to such person as may satisfy the Court that he has a right to it. *Beng. Ben.* 1799 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 5.

8. These rules are not to limit the power of the Court of Wards in cases within their jurisdiction. *Beng. Ben.* 1799 *R.* 5. § 8.

9. In case of an intestate's leaving only personal property, and no claimant appearing, the Court shall take measures for the temporary charge of the property and advertise for claimants, on the spot, in the Court room &c. and at the deceased's dwelling; (and, if he were an European, in the Calcutta Gazette). If a claimant prove his right, the property shall be delivered to him on payment of the expenses incurred. If no claimant appear in twelve months, an inventory of the property and a report of the case shall be made to Government. *Beng. Ben.* 1799 *R.* 5. § 7. *Ced. Prov.* 1803 *R.* 3 § 16. *C.* 7. Modified 1806 R. 15 § 6.

10. On receipt of objections from the Collector or any person interested in the family welfare, against the fitness of the next of kin for guardian to the minor or disqualified heir of an intestate proprietor in a joint estate, the Court, if satisfied on inquiry with the objections, shall nominate a guardian, reporting it to the Sudder Dewannee Adaulut. *Beng. Ben.* 1800 *R.* 1. § 1. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 8. A. D.

11. In selecting a guardian, the Court shall attend to the character and qualifications of the person and shall on no pretext select the legal heir of the ward. *Beng. Ben.* 1800 *R.* 1. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 9.

12. The guardian, if necessary, may have a pecuniary compensation fixed by the Court. *Beng. Ben.* 1800 *R.* 1. § 3. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 10.

A. D. 1800 13. Is to execute a penal obligation with security for his appearance. *Beng. Ben.* 1800 *R.* 1. § 4. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 11.

14. And is to have charge of the ward, and vote for him in the election of the manager, who is to account with him for the ward's share of the profits. *Beng. Ben.* 1800 *R.* 1. § 5. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 12.

15. Persons, deeming themselves aggrieved under this Regulation, may petition the Judge or the Sudder Dewannee Adaulut, to which Court the Judge shall certify all his proceedings, and whose decision shall be final. *Beng. Ben.* 1800 *R.* 1. § 7. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 14.

16. The estates of such proprietors are liable to sale for arrears of revenue. *Beng. Ben.* 1800 *R.* 1. § 6. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 13.

17. The landed property of a person dying intestate in the Jungul Mehals of Midnapoor, shall be inherited according to the local custom of the country notwithstanding Regulation 11 of 1793. *Beng.* 1800 *R.* 10. § 2.

A. D. 1804 18. The Jageer of an invalided Sepoy dying intestate and without heirs, after the officers of Government have been withdrawn from the T'hana, shall devolve to the Zemindar. *Beng.* 1804 *R.* 1. § 9. *C.* 16.

A. D. 1806 19. If no will be found among the effects of an European British subject dying in any Zilla or City, the Judge shall report the case to the Register of the Supreme Court, and shall deliver the property to him or to any other person producing letters of administration or probate of a will. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 6.

INVALIDED SEPOYS.

I. *RULES FOR THE MANAGEMENT OF THE T'HANAS.*

A. D. 1793 1. The procuring of lands for invalided Sepoys is to be conducted by the Collectors of Revenue. *Beng.* 1793 *R.* 2. § 8. *C.* 11. *Ben.* 1795 *R.* 5. § 7. *C.* 11. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 11.

Re-enacted 1804 R. 1 § 3 2. The establishment of villages for invalids, now confined to Zilla Bhagulpoor and Behar, shall be extended to Shahabad, Tirhoot and Sarun. *Beng.* 1793 *R.* 43. § 2.

ditto § 5 3. The superintendence of the establishments in all the Zillas is to be under a Regulating Officer, with Assistants empowered to act in his absence or sickness. *Beng.* 1793 *R.* 43. § 3.

4. The Regulating Officer and Assistants shall settle all petty affrays &c. between the inhabitants of a T'hana. *Beng.* 1793 *R.* 43. § 10. A. D. 1793 Modified 1804 R. 1 § 19

5. And shall order offences of greater magnitude to be investigated by Courts Martial. *Beng.* 1793 *R.* 43. § 11. Rescinded § 6.

6. But invalids, charged with murder or other heinous crimes, are to be sent to the Magistrate to be dealt with as other persons. *Beng.* 1793 *R.* 43. § 20. ditto

7. In case of inhabitants of a T'hana charging, or being charged by, persons not inhabitants of the T'hana, the charge is cognizable by the Criminal Court. *Beng.* 1793 *R.* 43. § 22. ditto

8. Processes of the Criminal Courts shall not be resisted in the T'hanas, under pain of such fines or punishment as the Court is empowered to impose or inflict. *Beng.* 1793 *R.* 43. § 25. Re-enacted § 15

9. In disputes for debts and real or personal property in the T'hana, the parties are to be advised to refer them to arbitration. *Beng.* 1793 *R.* 43. § 12. *C.* 1. Rescinded § 8

10. The rules for such arbitration are the same which are prescribed for Civil Courts. *Beng.* 1793 *R.* 43 § 12. *C.* 2 to 7. ditto

11. If either party refuse arbitration, the Regulating Officer is to decide on the claim. *Beng.* 1793 *R.* 43. § 13. ditto

12. He may summon and swear witnesses residing in the T'hana, and may order the Vakeel of Government to prosecute such witnesses before the Magistrate, if guilty of perjury. *Beng.* 1793 *R.* 43. § 14. ditto

13. But he shall not issue any process beyond the T'hana limits. *Beng.* 1793 *R.* 43. § 18. ditto

14. Nor is he to take cognizance of any claim originating out of the T'hana limits. *Beng.* 1793 *R.* 43. § 16. ditto

15. He may enforce his decision, if the property be within the T'hana. *Beng.* 1793 *R.* 43. § 15. ditto

16. But should it be necessary to sell property situated out of the T'hana, he shall send his decision to the Zilla Court for enforcement. *Beng.* 1793 *R.* 43. § 17. ditto

17. Decisions of the Regulating Officer for personal property exceeding fifty Rupees, and for all real property, may be appealed in six weeks to the Zilla Court. *Beng.* 1793 *R.* 43. § 21. ditto

18.

A. D. 1795 Rescinded 1804 R. 1 § 2

18. These rules are equally applicable to the T'hanas established in Bhagulpoor and Behar previous to 25th February 1793. *Beng.* 1793 *R.* 43. § 32.

ditto

19. In disputes, where the cause of action arose, or the property is situated, out of the T'hana limits, the suit must be instituted and tried in the Zilla Court. *Beng.* 1793. *R.* 43 § 16.

ditto

20. Or wherein the plaintiff, or both parties, shall prefer the Adaulut. *Beng.* 1793 *R.* 43. § 19.

ditto

21. Or where the claim is made upon, or by, a person who is not an inhabitant of the T'hana. *Beng.* 1793 *R.* 43. § 22.

Re-enacted § 15

22. Processes of the Civil Courts are not to be resisted in the T'hanas, under penalty of such fine or punishment, as the Courts may have power to impose or inflict. *Beng.* 1793 *R.* 43. § 25.

ditto § 24

23. The Regulating Officer may employ the Vakeel of Government to plead the causes of invalids free of costs, where an invalid, or his heir, prefers a claim civil or criminal, against a person who is not an inhabitant of the T'hana. *Beng.* 1793 *R.* 43. § 23. *C.* 1.

Rescinded § 2

24. Or where an invalid, or his heir, is sued for a civil claim by such a person. *Beng.* 1793 *R.* 43. § 23. *C.* 2.

ditto

25. Unless the claim of the invalid shall appear to the Regulating Officer frivolous, or the claim against him well founded. *Beng.* 1793 *R.* 43. § 24. *C.* 1.

ditto

26. Also where an invalid or his heir shall be sued by another inhabitant of the T'hana, notwithstanding his having offered to submit the cause to be tried by the Regulating Officer. *Beng.* 1793 *R.* 23. § 3.

27. But the Regulating Officer is not to employ the Vakeel of Government in suits of inhabitants of a T'hana not being invalids, nor in suits of invalids who reside without the T'hana limits, nor in those of invalids prosecuted for crimes. *Beng.* 1793 *R.* 43. § 23. *C.* 4.

ditto

28. Nor for invalids &c. appealing from his decision. *Beng.* 1793 *R.* 43. § 24. *C.* 2.

ditto

29. Or carrying their suit originally to the Court. *Beng.* 1793 *R.* 43. § 24. *C.* 4.

ditto

30. The Regulating Officer is to discourage money lending among the invalids, and to affix in every T'hana a copy of Regulation 15; and he must conform himself to that Regulation in all decisions on claims of debt. *Beng.* 1793 *R.* 43. § 26.

31. The establishment of villages for invalids shall be confined to Zillas Bhaguloopoor, Behar, Shahabad, Tirhoot, Sarun and Chittagong. *Beng.* 1804 *R.* 1. § 3. A. D. 1804.

32. The superintendence of the invalid Jageer and pension establishments is vested in the Board of Revenue. *Beng.* 1804 *R.* 1. § 4.

33. And the immediate superintendence of the Jageer establishment is to be under Regulating Officers. *Beng.* 1804 *R.* 1. § 5.

34. Who shall be subject to the orders of the Collector; and all communications are to be from the Collector to the Board of Revenue, and from the Board to the Governor General in Council. *Beng.* 1804 *R.* 1. § 6.

35. The Regulating Officers shall endeavour to settle all petty affrays, differences, and claims, between the invalids themselves, or between them and other inhabitants of the T'hana; and, on failure, shall leave the parties to have recourse to the Court: but shall not exercise any authority beyond the T'hanas. *Beng.* 1804 *R* 1. § 13.

36. The Vakeel of Government, on requisition of the Collector, shall plead the causes of invalids. *Beng.* 1804 *R.* 1. § 14.

37. Processes of the Civil and Criminal Courts shall not be resisted in the T'hanas, under pain of such fines or punishment as the Courts are empowered to impose or inflict. *Beng.* 1804 *R.* 1. § 15.

II. *RULES FOR THE T'HANA JAGEERS* (RESCINDED.)

1. An annual estimate of the number and description of invalids to be provided for in each Zilla is to be sent to Government, for orders to the Collectors, who, on receipt thereof, are to procure waste land in the quantity required. *Beng.* 1793 *R.* 43. § 4. A. D. 1793

2. By proposing the following terms to the proprietors of waste spots proper for an invalid village. *Beng.* 1793 *R.* 43. § 5. *C.* 1.

3. The land is to continue the property of the landholder. *Beng.* 1793 *R.* 43. § 5. *C.* 2.

4. The lease is to include Julkur, Bunkur and Phulkur. *Beng.* 1793 *R.* 43. § 5. *C.* 3.

5. The land is to be rent-free during the life of the invalid and to devolve to his heirs. *Beng.* 1793 *R.* 43. § 5. *C.* 4.

A. D. 1793

6. Heirs, during the first five years, shall pay one tenth as Malikana to the proprietor. *Beng.* 1793 *R.* 43. § 5. *C.* 5.

7. And, after five years, shall pay for ever a rent equal to two thirds of the usual rents in the district. *Beng.* 1793 *R.* 43. § 5. *C.* 6.

8. If the invalid die within seven years, the heir shall hold the land rent-free, till the end of seven years. *Beng.* 1793 *R.* 43. § 5. *C.* 7.

9. If the invalid leave no heir, a fresh man may take the land on the same terms with an heir; otherwise it shall revert to the proprietor. *Beng.* 1793 *R.* 43. § 5. *C.* 8.

10. Or if an invalid's heirs should not be willing to take the land. *Beng.* 1793 *R.* 43. § 5. *C.* 9.

11. If an invalid neglect the tillage of the land two years, the land shall be given to a fresh man or to the heir of an invalid, on the same terms; otherwise it reverts to the proprietor. *Beng.* 1793 *R.* 43. § 5. *C.* 10.

12. Or if an invalid's heir neglect it one year. *Beng.* 1793 *R.* 43. § 5. *C* 11.

13. Such parts of an invalid's Jageer, as have not been brought into cultivation at the period of assessing it, may be resumed by the proprietor; unless the invalid's heir agree to pay for them as cultivated land. *Beng.* 1793 *R.* 43. § 5. *C.* 12.

14. The Malikana and rent are to be collected by the Collectors, and accounted for to the proprietor by Government, without his being liable to any increase of revenue on such account. *Beng.* 1793 *R.* 43. § 5. *C.* 13.

15. The proprietor may keep an agent at the T'hana to keep the account of Malikana and rent. *Beng.* 1793 *R.* 43. § 5. *C.* 15.

16. But when the officers of Government shall have been withdrawn from a T'hana, the proprietor is to recover his rent himself. *Beng.* 1793 *R.* 43. § 5. *C.* 17.

17. Each invalid and his heir is to receive a Pottah from the proprietor at each period of obtaining possession and of becoming liable to assessment. *Beng.* 1793 *R.* 43. § 5. *C.* 14.

18. When all the Jageers in a T'hana shall have become permanently assessed, the officers of Government are to be withdrawn; and the T'hana is to be on the same footing with other villages. *Beng.* 1793 *R.* 43. § 5. *C.* 16.

19. After the officers of Government shall have been withdrawn from a T'hana, the Jageers of persons dying without heirs and intestate shall devolve to the proprietor. *Beng.* 1793 *R.* 43. § 5. *C.* 18.

20.

20. Disputes between Government and proprietors and invalids, respecting the nature of the tenures, shall be decided in the Adaulut. *Beng.* 1793 *R.* 43. § 5. *C.* 19.

21. By reference to an engagement, which shall be exchanged between Government and the proprietors, containing all the above and any other stipulations. *Beng.* 1793 *R.* 43. § 5. *C.* 20.

22. The Collector shall endeavour to procure agreements on the above terms for the lands already held by invalids and their heirs, except the lands described in Section 33. *Beng.* 1793 *R.* 43. § 31. *C.* 2.

23. But till then, these rules apply only to lands granted subsequently to 25th February 1793. *Beng.* 1793 *R.* 43. § 31. *C.* 1.

24. The terms of the tenure of invalids or their heirs are not affected by the sale of the estate, or a portion thereof, in which they may be situated, at public sale; nor by the private transfer of property in the estate. *Beng.* 1793 *R.* 43. § 6.

25. Widows, inheriting from their husbands, do not forfeit their Jageers by marrying. *Beng.* 1793 *R.* 43. § 9.

26. If estates, containing waste land proper for T'hanas should be procurable by private purchase, or be ordered for public sale, the Collector is to inform Government. *Beng.* 1793 *R.* 43. § 7.

27. Invalids, established upon lands the property of Government, are to hold their Jageers of Government on the same terms as of other proprietors, or on such other terms as Government may prescribe previous to their establishment. *Beng.* 1793 *R.* 43. § 8.

28. Jageers, while in the possession of invalids, are not assignable as security for money borrowed; nor answerable for their debts; but, after devolving to heirs, will be liable for the debts of the heirs. *Beng.* 1793 *R.* 48. § 27.

29. Invalids are to receive lands in specified proportions, according to their ranks as follows: Soobadars of infantry and first Jemahdars of cavalry, 100 Begas. Jemahdars of infantry and second Jemahdars of cavalry, fifty Begas. Havaldars of infantry, first Duffadars of cavalry and Tindals, thirty Begas. Naiks of infantry, second Duffadars of cavalry and Cussabs, twenty five Begas; Sepoys, troopers, Lascars, drummers, trumpeters and Behisties, twenty Begas. *Beng.* 1793 *R.* 43. § 28.

30. The distribution of the lands is to be made by the Regulating Officer and Collector. *Beng.* 1793 *R.* 43. § 29.

31.

A. D. 1793 31. Who shall new model the Thanas in Bhaugulpoor and Behar. *Beng.* 1793 *R.* 43. § 31. *C.* 3.

32. Fixing for each invalid, or his heir, the quota of land assigned to him; and resuming from each all excess beyond his proportion, unless it shall have been brought into cultivation *Beng.* 1793 *R.* 43. § 31. *C.* 3.

33. And the Civil Courts are not to interfere nor receive any complaints regarding it. *Beng.* 1793 *R.* 43. § 29.

34. Nor any complaint from an invalid, for having been struck off the establishment; and all invalids shall be struck off for not appearing at the periods of inspection. *Beng.* 1793 *R.* 43. § 30.

A. D. 1795 35. The grants to invalids are to continue rent-free to their heirs, ten years from the date of the grant, should the invalid die in a shorter period, (instead of seven years mentioned in Clause 7, Section 5, Regulation 43 of 1793). *Beng.* 1795 *R.* 56. § 2. *C.* 1.

36. If invalids, who have obtained grants under the former stipulation, shall die between seven and ten years, Government will indemnify the proprietor for the remainder of the ten years. *Beng.* 1795 *R.* 56. § 2. *C.* 2.

37. Invalids are not to be struck off for absence at the period of inspection, if absent with leave, or from unavoidable [illegible] the satisfaction of the Regulating Officer. *Beng.* 1795 *R.* 56. § 3.

A. D. 1804 38. Regulations 43 of 1793 (except Section 33) and 56 of 1795 are rescinded. *Beng.* 1804 *R.* 1. § 2.

III. *RULES FOR THE RETIRED JAGEERDARS.*

A. D. 1793 1. No part of this Regulation is applicable to invalids holding land under the resolutions of Government passed on the 18th February 1789 and 24th December 1790, which are as follows. *Beng.* 1793 *R.* 43. § 33. *C.* 1.

2. Invalids, desirous of receiving grants of waste land on relinquishing finally the service, shall be entitled to waste land in proportions, according to their respective rank. *Beng.* 1793 *R.* 43. § 33. *C.* 2.

3. And to an advance of money for bringing the land into cultivation, in proportions, according to their rank. *Beng.* 1793 *R.* 43. § 33. *C.* 13.

4. The lands shall be granted in Sircar Behar, Shahabad or Rotas. *Beng.* 1793 *R.* 43. § 33. *C.* 3.

5. In such villages as each person may point out, or in some village contiguous thereto. *Beng.* 1793 *R.* 43. § 33. *C.* 4. A. D.

6. Also in other districts, if Government shall think proper. *Beng.* 1793 *R.* 43. § 33. *C.* 5.

7. Such lands shall be selected as may be brought into cultivation at the least expense. *Beng.* 1793 *R.* 43. § 33. *C.* 6.

8. The original grantee shall hold the land rent-free during life. *Beng.* 1793 *R.* 43. § 33. *C.* 7.

9. And receive a Sunnud from the Collector, a register of which Sunnud is to be kept by the Collector and sent annually to the Board of Revenue. *Beng.* 1793 *R.* 43. § 33. *C.* 8.

10. And, if such invalid die within five years, his heir shall hold the land rent-free till the end of the five years. *Beng.* 1793 *R.* 43. § 33. *C.* 11.

11. The heirs of grantees shall hold the land at a fixed Jumma to be assessed by the Collectors, with ten per cent Malikana payable to the Zemindars. *Beng.* 1793 *R.* 43. § 33. *C.* 9.

12. And shall receive Mokururee Sunnuds from the Collector. *Beng.* 1793 *R.* 43. § 33. *C.* 10.

13. Which shall be liable to sale for failure in payment of the rent to Government or of the Malikana to the Zemindar. *Beng.* 1793 *R.* 43. § 33. *C.* 12.

14. Zemindars are not liable to any additional demand from Government on account of the assessment on invalid lands, after the death of the grantees, which shall belong solely to the Zemindar. *Beng.* 1793 *R.* 43. § 33. *C.* 14.

15. Rules of 18th February 1789 and 24th December 1790, under which invalided Sepoys hold lands in Benares, are as follows. *Ben.* 1795 *R.* 43. § 1. A. D. 1795

16. Invalids, desirous of receiving grants of lands on relinquishing finally the service, shall be entitled, in proportion to their rank, to waste land. *Ben.* 1795 *R.* 43. § 2. *C.* 1.

17. And to an advance of money for bringing it into cultivation. *Ben.* 1795 *R.* 43. § 2. *C.* 11.

18. The land shall be granted in such villages as each person shall point out. *Ben.* 1795 *R.* 43. § 2. *C.* 2.

A. D. 1795

19. Or in ſome village contiguous thereto. *Ben.* 1795 *R.* 43. § 2. *C.* 3.

20. Such lands ſhall be ſelected as may be brought into cultivation at the leaſt expenſe. *Ben.* 1795 *R.* 43. § 2. *C.* 4.

21. The original grantee ſhall hold the land rent-free during life. *Ben.* 1795 *R.* 43. § 2. *C.* 5.

22. And if he die within five years, his heir ſhall hold the land rent-free till the end of five years. *Ben.* 1795 *R.* 43. § 2. *C.* 9.

23. The grantees ſhall receive Sunnuds from the Raja, a Regiſter of which Sunnuds is to be kept by the Reſident and ſent annually to the Governor General in Council. *Ben.* 1795 *R.* 43 § 2. *C.* 6.

24. The heirs of grantees ſhall hold the land at a fixed Jumma to be aſſeſſed by the Reſident with conſent of the Raja, and ten per cent Malikana payable to the Zemindar. *Ben.* 1795 *R.* 43. § 2. *C.* 7.

25. And ſhall receive Mokururee Sunnuds from the Raja. *Ben.* 1795 *R.* 43. § 2. *C.* 8.

26. Such Mokururees ſhall be liable to ſale for failure in payment of the rent to Government or of Malikana to the Zemindar. *Ben.* 1795 *R.* 43. § 2. *C.* 10.

27. The proprietor of the village ſhall enjoy the aſſeſſments on invalid grants after the death of the grantees, and ſhall not be liable to any additional demand from Government on this account. *Ben.* 1795 *R* 43. § 2. *C.* 12.

28. The Collector of Benares is to ſend to the Board the annual regiſter of grants required by Clauſe 6. *Ben.* 1795 *R.* 43. § 3.

29. But no more grants of land under theſe terms are to be made in future. *Ben.* 1795 *R.* 43. § 4.

A. D. 1804

30. Section 33, Regulation 43 of 1793, is to remain in force. *Beng.* 1804 *R.* 1. § 27.

IV. *RULES FOR THE T'HANA JAGEERS.*

A. D. 1804

1. The Collectors, on receipt of a notification of the number and deſcription of invalids admitted to Jageers, are to procure waſte land in the quantity required. *Beng.* 1804 *R.* 1. § 8.

2. By propoſing the following terms to the proprietors of waſte ſpots proper for an invalid village. *Beng.* 1804 *R.* 1. § 9. *C.* 1.

3.

3. The land shall continue the property of the landholder. *Beng.* 1804 *R.* 1. § 9. *C.* 2. A. D. 1804

4. The lease shall include Julkur, Bunkur and Phulkur. *Beng.* 1804 *R.* 1. § 9. *C.* 3.

5. The land is to be rent-free during the life of the invalid and to devolve to his heirs. *Beng.* 1804 *R.* 1. § 9. *C.* 4.

6. The heirs, during the first five years, shall pay one tenth as Malikana to the proprietor. *Beng.* 1804 *R.* 1. § 9. *C.* 5.

7. And, after five years, shall pay for ever a rent equal to two fifths of the annual produce. *Beng.* 1804 *R.* 1. § 9. *C.* 6.

8. If the invalid die within seven years, the heir shall hold the land rent-free till the end of the seven years. *Beng.* 1804 *R.* 1. § 9. *C.* 7.

9. If the invalid leave no heirs, a fresh man may take the land on the same terms with an heir; otherwise it shall revert to the proprietor. *Beng.* 1804 *R.* 1. § 9. *C.* 8.

10. Or if the invalid heir should not be willing to take the land. *Beng.* 1804 *R.* 1. § 9. *C.* 9.

11. If the heir of an invalid neglect the tillage of the land one year, the land shall be given to another invalid or heir of an invalid on the same terms: otherwise it shall revert to the proprietor. *Ben.* 1804 *R.* 1. § 9. *C.* 10.

12. Such parts of an invalid's Jageer, as have not been brought into cultivation at the period of assessing it, may be resumed by the proprietor unless the invalid's heir agree to pay for them as cultivated land. *Beng.* 1804 *R.* 1. § 9. *C.* 10.

13. The Malikana and rent are to be collected by the Collector, and accounted for to the proprietor, by Government, without his being liable to any increase of revenue on such account. *Beng.* 1804 *R.* 1. § 9. *C.* 12.

14. And the proprietor may keep an agent at the T'hana to keep the account of Malikana and rent. *Beng.* 1804 *R.* 1. § 9. *C.* 14.

15. Each invalid and his heir is to receive a Pottah from the proprietor, at each period of obtaining possession and of becoming liable to assessment. *Beng.* 1804 *R.* 1. § 9. *C.* 13.

16. When all the Jageers in a T'hana shall have become permanently assessed, the officers

A. D. 1804 officers of Government are to be withdrawn, and the T'hana is to be on the same footing with other villages. *Beng.* 1804 *R.* 1. § 9. *C.* 15.

17. After the officers of Government shall have been withdrawn from a T'hana, the Jageers of persons dying without heirs and intestate shall devolve to the proprietor. *Beng.* 1804 *R.* 1 § 9. *C.* 16.

18. All disputes between Government and proprietors and invalids, respecting the nature of the tenures, shall be decided in the Adaulut; and all stipulations between the invalid and the proprietor shall be binding on the parties. *Beng.* 1804 *R.* 1. § 9. *C.* 17.

19. Collectors shall endeavour to procure agreements on the above terms for the lands already held by invalids and their heirs, except the lands granted under the Regulations of 18th February 1789. *Beng.* 1804 *R.* 1. § 19.

20. The terms of the tenure of invalids or their heirs are not affected by the sale of the estate, or a portion thereof, in which they may be situated, at public sale, nor by the private transfer of property in the estate. *Beng.* 1804 *R.* 1. § 10.

21. Widows, inheriting from their husbands, do not forfeit the Jageers by marrying. *Beng.* 1804 *R.* 1. § 12.

22. Invalids, established upon lands the property of Government, are to hold their Jageers of Government on the same terms as of other proprietors, or on such other terms as Government may prescribe previous to their establishment. *Beng.* 1804 *R.* 1. § 11.

23. Jageers, while in possession of invalids, are not assignable as security for money borrowed, nor answerable for their debts; but, after devolving to heirs, will be liable for the debts of the heirs. *Beng* 1804 *R.* 1. § 16.

24. Invalids are to receive lands in specified proportions according to their rank as follows: Subahdars of infantry and 1st Jemahdars of cavalry, 100 Begas; Jemahdars of infantry and cavalry and Sarangs, fifty Begas; Havaldars of infantry and cavalry and Tindals, thirty Begas; Naicks and Cussabs twenty-five Begas. *Beng.* 1804 *R.* 1. § 7.

25. The distribution of lands is to be made by the Regulating Officers under the orders of the Collectors. *Beng.* 1804 *R.* 1. § 17.

26. Who shall new model the T'hana, fixing for each invalid or his heir the quota of land assigned to him, and resuming from each all excess beyond his proportion unless it shall have been brought into cultivation; but the rights of parties under existing engagements

gagements shall not be annulled till the arrangement be completed with consent of the Zemindar. *Beng.* 1804 *R.* 1. § 19.

27. The land occupied by the invalid's house and garden shall be distinct, and he shall pay rent for it at two thirds of the usual rates. *Beng.* 1804 *R.* 1. § 21. *C.* 1.

28. Land for roads, wells, &c. shall be purchased by Government and bestowed on the T'hana. *Beng.* 1804 *R.* 1. § 21. *C.* 2.

29 The Civil Courts are not to interfere or receive any complaints regarding the distribution of land. *Beng.* 1804 *R.* 1. § 17.

30. Nor any complaint from an invalid for having been struck off the establishment; and all invalids shall be so struck off, for not appearing at the periods of inspection; unless absent with leave, or for cause appearing satisfactory to the Collector and Regulating Officer. *Beng.* 1804 *R.* 1. § 18.

31. The Collector is to clear the land of new T'hanas, and land required in addition to established T'hanas, including the expense of necessary wells, embankments and water-courses, and every other requisite work, submitting the statement to the Governor General in Council through the Revenue Board, and giving notice to the Officer in charge of the invalids when the lands shall be nearly prepared. *Beng.* 1804 *R.* 1. § 20.

V. *RULES FOR THE PENSION LISTS.*

1. Native officers not fit for garrison duty may, at their option, be placed on the Jageerdar establishment, in which case they are not entitled to any pay or other pecuniary allowance; or may retire to any village in the Company's dominions on the reduced pay of their rank. 1804 *R.* 1. § 22. *C.* 1. A. D. 1806 Modified 1808 R. 11 §

2. In which case an advance of six months pay shall be made to them by the Officer commanding the station where the invalids assemble. 1804 *R.* 1. § 22. *C.* 2.

3. Privates, not fit for garrison duty, may also reside where they please on the reduced pay of their rank; and the same advance shall be made to them: such privates shall not be eligible to the Jageerdar establishment without the sanction of the Governor General, and shall then have twenty Begas unless more should be authorized by Government. 1804 *R.* 1. § 22. *C.* 3.

4. An invalid, on admission to the pension establishment, shall receive a descriptive roll addressed to the Collector, copies of which are to be sent to the Military Auditor General. The roll shall specify his name, age, height, birth place, and place of intended residence, length of service, in what regiment, and any wounds or other corporal marks. 1804 *R.* 1. § 23.

A. D. 1804 5. The invalid, on presenting the roll half yearly or annually to the Collector shall be entitled to receive his reduced pay; and the heir of an invalid, or other person properly empowered, presenting it after the invalid's death, shall receive the arrears till his death. 1804 *R.* 1. § 24.

6. The pensioner is to give a receipt, which the Collector shall send to the Military Auditor General for audit; and, after a pensioner's death, the Collector shall send his descriptive roll to the Auditor, with an endorsement of the arrears paid to the heir. 1804 *R.* 1. § 25.

7. If the voucher of a pensioner's existence shall not be furnished within one year from his last receipt of pay, he shall be struck off and not again admitted without orders of Government. 1804 *R* 1. § 26.

A. D. 1806 8. Native officers, commissioned or non commissioned, when transferred to the invalid Jageerdar establishment, shall be entitled to the reduced pay of their rank in addition to the land assigned them. 1806 *R.* 11. § 20.

ISTUMRAREES.

A. D. 1793 1. Istumraree or Mokururee leases to persons not proprietors of the soil, if made or confirmed by Government, or obtained before the Company's Dewannee, shall continue during the life of the lessee, on whose death the settlement shall be made with the proprietors. *Beng.* 1793 *R.* 8 § 16.

2. If obtained since the Dewannee and not confirmed by Government, the lessee is to be dispossessed, and the settlement made with the proprietor; but if the lessee have been in possession above twelve years, he shall receive during his life the difference between his Jumma and the Jumma agreed to by the proprietor. *Beng.* 1793 *R.* 8. § 18.

3. If granted by the proprietor of the soil himself, the lessee shall be considered as a species of Pottah Talookdar. *Beng.* 1793 *R.* 8. § 19.

4. Mokururees to the actual proprietors of the soil, if made or confirmed by Government, are to continue in force. *Beng.* 1793 *R.* 8. § 17.

5. The Mokururedars, described in Section 18, who have held their lands at a fixed rent more than twelve years, shall not be liable to any enhancement of their rent, either by the officers of Government, or by the proprietor; and those, who have not held their lands at a fixed rent so long, shall not be liable to any enhancement of rent by the proprietor if he had engaged not to raise the rent. *Beng.* 1793 *R.* 8. § 49.

6.

6. But their rents may be enhanced by the officers of Government or by a farmer, on the Zemindary being held Khas, or let in farm. *Beng.* 1793 *R.* 8. § 50. A. D. [illegible]

7. The heirs of invalided Sepoys, who accepted land on retiring from the service, are to hold the land as a Mokururee at the fixed rent assessed by the Collector. *Beng.* 1793 *R.* 43. § 33. *C* 9. *Ben.* 1795 *R.* 43. § 2. *C.* 7.

8. And shall receive Sunnuds in perpetuity, as long as they pay the rent and Malikana. *Beng.* 1793 *R.* 43. § 33. *C.* 10. *Ben.* 1795 *R.* 43. § 2 *C.* 8.

9. But the Mokururee may be sold for non payment of either rent or Malikana. *Beng.* 1793 *R.* 43. § 33. *C.* 12. *Ben.* 1795 *R.* 43. § 2. *C.* 10.

10. Istumrardars, described in Section 19 Regulation 8 of 1793, are not included in Section 5, Regulation 44 of 1793, which annuls leases on a public sale for balances, but are on the contrary exempted by Section 7 of the same Regulation in favour of Talookdars. *Beng.* 1799 *R* 7. § 29. *C.* 5. A. D. 1799

11. Istumrardars or Mokururedars in the Ceded Provinces are declared exempt from all enhancement of rent by the proprietor, farmer, or officer of Government, if they clearly establish, that, by the condition of their tenures, they were not liable to any increase of rent, and that they paid a fixed invariable rent twelve years before the 10th November 1801. *Ced. Prov.* 1803 *R.* 30. § 12. A. D. 1803

12. The 30th December 1803 is to be adopted in the Conquered Provinces, and the 16th December 1803 in Bundelkhund, as the dates for the operation of the above clause in those provinces respectively, in lieu of the 10th November 1801. *Ben. Ced. Prov.* 1805 *R.* 8. § 20. *C.* 3. A. D. 1805

KHAS COLLECTIONS.

1. The Board of Revenue may issue orders for making the settlement of Khas land according to the Regulations and conformably to any special instructions of Government. *Beng.* 1793 *R.* 2. § 36. *Ben.* 1795 *R.* 5. § 30. A. D. 1793

2. The Collectors are to make the settlement of such land according to the Regulations and conformably to any special instructions. *Beng.* 1793 *R.* 2. § 8. *C.* 4 *Ben.* 1795 *R.* 5. § 7. *C.* 4. *Ced. Prov.* 1803 *R.* 25. § 7. *C* 4.

3. And are to collect the rents of such lands. *Beng.* 1793 *R.* 2. § 8. *C.* 3. *Ben.* 1795 *R.* 5. § 7. *C.* 3. *Ced. Prov.* 1803 *R.* 25 § 7. *C.* 3.

4. The above is to be observed as a general principle; but, if the Board of Revenue should deem a special deputation of one of their members or of any other person necessary

A. D. 1793 sary to form the settlement of any such lands, they shall propose the measure to the Governor General in Council with their reasons. *Beng.* 1793 *R.* 2. § 39. *Ben.* 1795 *R.* 5. § 32.

5. The lands of proprietors unable to pay their arrears at the formation of the decennial settlement, were ordered to be held Khas. *Beng.* 1793 *R.* 8. § 22.

6. And the lands of absent proprietors, or the proprietors of which could not be ascertained. *Beng.* 1793 *R.* 8 § 29.

7. And the salt districts which had been held Khas in former years. *Beng.* 1793 *R.* 8. § 100.

8. Resumed or escheated Badshahee grants are to be held Khas if the proprietor refuse to pay the assessment demanded of him. *Beng.* 1793 *R.* 37. § 6. *Ben.* 1795 *R.* 42. § 6. *Ced. Prov.* 1803 *R.* 36. § 6.

9. The Malikana of lands held Khas is to be paid monthly in money from the Collector's treasury. *Beng.* 1793 *R.* 8. § 47.

10. Actual proprietors, whose lands are held Khas in consequence of their refusal to engage for the settlement, will be restored on their agreeing to pay the assessment required of them according to the Regulations. *Beng.* 1793 *R.* 1. § 5. *Ben.* 1795 *R.* 27. § 2. *Ced. Prov.* 1803 *R.* 25. § 33. *Conq. Prov.* 1805 *R.* 9. § 23.

11. The Collector is to propose and deliver to the Rayats, Pottahs conformable to the Regulations, in the salt districts while held Khas. *Beng.* 1793 *R.* 8. § 101.

12. The officer of Government in charge of lands held Khas is to dispossess the grantee and collect the rents of all land held rent-free under grants made since the 1st December 1790 by any other authority than that of the Governor General in Council. *Beng.* 1793 *R.* 19. § 10. *Ben.* 1795 *R.* 41. § 10.

13. And shall sue, under the direction of the Collectors, for the recovery of such land not exceeding 100 Begas in any one grant held under invalid grants made previous to that date. *Beng.* 1793 *R.* 19. § 11. *Ben.* 1795 *R.* 41. § 11.

14 Shall collect the rents of such land, if adjudged liable to the payment of revenue. *Beng.* 1793 *R.* 19. § 6. *Ben.* 1795 *R.* 41. § 6.

15. And shall assess all such land not registered within the prescribed period. *Beng.* 1793 *R.* 19. § 26. *Ben.* 1795 *R.* 41. § 26.

16.

16. But may be caſt in damages and coſts for ſuing on inſufficient grounds or from vexatious motives. *Beng.* 1793 *R.* 19. § 16. *Ben.* 1795 *R.* 41. § 16. A. D. 1795

17. The diviſion of landed property held Khas is to be made agreeably to the rules for the diviſion of other eſtates, and the native Collector ſhall produce all accounts on the requiſition of the Ameen. *Beng.* 1793 *R.* 25. § 29. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 59.

18. If an eſtate held Khas be publickly ſold, it will be ſold at ſuch aſſeſſment as Government may deem equitable. *Beng.* 1793 *R.* 1. § 11. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 1. *Conq. Prov.* 1805 *R.* 9. § 28. *C.* 1.

19. If privately transferred, the purchaſer will receive Malikana till reſtored. *Beng.* 1793 *R.* 1. § 11. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 2. *Conq. Prov.* 1805 *R.* 9. § 28. *C.* 2.

20. If divided, each ſharer will ſimilarly receive Malikana. *Beng.* 1793 *R.* 1. § 11. *C.* 3. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 3. *Conq. Prov.* 1805 *R.* 9. § 28. *C.* 3.

21. The ſuperintendence of embankments in eſtates held Khas is veſted in the Collector. *Beng.* 1793 *R.* 33. § 2. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 2.

22. Tehſildars or Sezawuls in charge of lands held Khas may be Commiſſioners for the trial of civil ſuits. *Beng.* 1793 *R.* 40. § 5. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 5.

23. And their commiſſions are to expire with their office. *Beng.* 1793 *R.* 40. § 5. *C.* 4. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 6.

24. If reſumed rent-free land ſhould continue Khas, the Governor General in Council will grant a commiſſion to the Collector on ſuch amount as he ſhall deem an equitable Jumma. *Beng. Ben.* 1795 *R.* 58. § 2. A. D. 1795

25. The Tuſhkees of the Amanee or Khas villages in Benares is to be aſcertained by Ameens on the part of Government; and the amount, after deducting their commiſſion, is to be paid by the Amils. *Ben.* 1795 *R.* 2. § 27.

26. In forming the ſettlement of lands held Amanee, the revenue payable to Government is to be fixed according to the actual exiſting funds from the lands in cultivation, deducting ten per cent for the charges and profits of the party making the ſettlement, and adding

A. D. 1795 adding a moderate Ruffud for the four or five first years, for the uncultivated lands. *Ben.* 1795 *R.* 5. § 7. *C.* 4.

27. Tehsildars are to station Shanas at the expense of the parties, on the crops, unless security be given by the Rayats in the Amanee lands for the year's revenue, or until it be given; each Shana is to have a Dustuk, and on the Dustuk is to be endorsed by the Tehsildars the allowance to the Shana: a list of these is to be sent monthly to the Collector who may reduce the allowance where exorbitant. *Ben.* 1795 *R.* 6. § 2. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 12.

A. D. 1797 28. Tehsildars of places held Khas are equally responsible with other Tehsildars for losses by theft or robbery. *Ben.* 1797 *R.* 8. § 3. *Ced. Prov.* 1804 *R.* 3. § 6. *C.* 2.

A. D. 1799 29. The rules for the recovery of rents due to proprietors of land are equally applicable to the Collector and other officers of Government making a Khas collection, and to their authorized Agents if so commissioned. *Beng.* 1799 *R.* 7. § 19. *Ben.* 1800 *R.* 5. § 18. *Ced. Prov.* 1803 *R.* 28. § 36.

30. Or the Collector may proceed against the Rayats &c. in the same mode in which he is authorized to proceed against Sudder farmers and their sureties; and the Tehsildar or other officer in charge, if he apprehend their absconding, may arrest and send them to the Collector, who may keep them under Peons till he satisfy himself that the arrear is justly due, though such inquiry should exceed ten days. *Beng.* 1799 *R.* 7. § 25.

A. D. 1803 31. In case neither Zemindars nor farmers tender suitable terms, a Khas settlement shall be made with the Rayats at five eighths to Government and three eighths to the Rayat in Polich lands; two eighths to Government and six eighths to the Rayat in Chunchur land; one eighth to Government and seven eighths to the Rayat in Bunjur land. After one year Bunjur land shall be deemed Chunchur; and after two years Polich. After one year Chunchur land shall be deemed Polich. The Nuzerana shall be abolished; the Putwaree's wages shall be borne by the Rayat, and the Musahut by Government. The crops are to be valued at the price of the day; and the Rayats shall engage that the cultivation shall not fall off, and that they will not undertake the cultivation of new lands till that of the old lands be accomplished. *Ced. Prov.* 1803 *R.* 27. § 53. *C.* 14. *Conq. Prov.* 1805 *R.* 9. § 12.

A. D. 1805 32. When neither the proprietors nor the tenants engage for the settlement in Cuttack, such lands shall be held Khas. *Beng.* 1805 *R.* 12. § 4. *C.* 11.

33. Tehsildars, appointed under this Regulation in Benares or the Ceded Provinces, shall receive abatements for actual losses in the Amanee lands, proved to the satisfaction of the Governor General in Council. *Ben. Ced. Prov.* 1805 *R.* 21. § 4. A. D. 1805

KING IN COUNCIL.

1. An appeal lies from the decision of the Sudder Dewannee Adaulut, to the King in Council, in all civil suits, the value of which shall be 5000l. and upwards. *Beng. Ben.* 1797 *R.* 16. § 1. *Ced. Prov.* 1803 *R.* 5. § 31. A. D. 1797

2. The petition of appeal is to be presented to the Sudder Dewannee Adaulut in person, or through an authorized Vakeel duly empowered, within six months from the date of the decision. *Beng. Ben.* 1797 *R.* 16. § 2. *Ced. Prov.* 1803 *R.* 5. § 32. *C.* 2. Modified 1805 R. 2 § 8

3. The value of the property constituting the subject of the judgment appealed against, whether land, money, or otherwise, is to be computed according to the rules prescribed for determining the value of the same property in appeals to the Sudder Dewannee Adaulut, and the equivalent for 5000l. is fixed at 50,000 current or 43,103 Sicca Rupees. *Beng. Ben.* 1797 *R.* 16. § 3. *Ced. Prov.* 1803 *R.* 5. § 32. *C.* 2.

4. The Sudder Dewannee Adaulut may either execute the judgment taking security from the respondent for the performance of the decree on the appeal, or suspend execution taking similar security from the appellant; who shall in all cases give further security for such costs as the Court may think likely to be incurred: and the Sudder Dewannee Adaulut, on admitting an appeal, shall give notice thereof to the appellant and respondent. *Beng. Ben.* 1797 *R.* 16. § 4. *Ced. Prov.* 1803 *R.* 5. § 33.

5. Two exact copies of all the proceedings translated into English are to be transmitted, under the official seal of the Sudder Dewannee Adaulut, and the signature of the Register, to the Governor General in Council, for transmission by the first secure and separate conveyances to the King in Council; and the Register shall furnish either party, on his application, with one or more copies, on previous payment of the expense incurred thereby. *Beng. Ben.* 1797 *R.* 16. § 5. *Ced. Prov.* 1803 *R.* 16. § 34.

6. The copy of, or extract from, any Regulation referred to in any judgment thus appealed, shall be annexed to the copies, whether transmitted to the King in Council or delivered to the parties. *Beng. Ben.* 1797 *R.* 16. § 6. *Ced. Prov.* 1803 *R.* 5. § 35.

7. Nothing in this Regulation shall bar the full exercise of his Majesty's pleasure in rejecting or receiving appeals. *Beng. Ben.* 1797 *R.* 16. § 7. *Ced. Prov.* 1803 *R.* 5. § 36.

A. D. 1800 8. The two copies of proceedings for transmission to the King in Council are to be prepared on stampt paper at the expense of the appellant (paupers excepted), both with respect to the charge of making them and to the stamp duty; and the copies furnished to a party are to be on stampt paper, similarly at the expense of the party to whom furnished: the paper is to be English paper bearing the highest rate of duty. *Beng. Ben.* 1800 *R.* 7. § 19. *Ced. Prov.* 1803 *R.* 43. § 22.

A. D. 1805 9. The period allowed for appealing to the King in Council is to be calculated from the delivery or tender of the decree of the Sudder Dewannee Adaulut to the parties, or from the date of its being ready for delivery and of the cause of non-delivery being endorsed on it. *Beng. Ben. Ced. Prov.* 1805 *R* 2. § 8.

KISSAS.

A. D. 1793 Re-enacted 1797 *R.* 4 § 8 1. When a prisoner is convicted of murder, the Court of Circuit shall cause reference to be made to the heir of the slain, and if he require Kissas, (retaliation) the Court shall pass sentence of death and transmit the proceedings to the Nizamut Adaulut, and wait the final sentence of that Court. *Beng.* 1793 *R.* 9. § 52. ext. *Ben.* 1795 *R.* 16. § 22.

ditto 2. If the heir of the slain entitled to claim Kissas should refuse to prosecute, or should not appear, nor declare his intention to pardon the murderer, or should not be of legal age to claim Kissas, the Court shall proceed with the trial as if the slain had no heir; and the law officers shall be required to declare what would have been the Futwa in case the heir had been of sufficient age and had appeared and prosecuted; and the Court shall send the trial to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 55. ext. *Ben.* 1795 *R.* 16. § 22.

ditto 3. On the reference of such trials, if the prisoner be declared by the law officer liable to suffer death in the event of the heir of the slain requiring it, the Nizamut Adaulut, if they approve of the proceedings held on the trial, shall sentence the prisoner to death notwithstanding the heir should pardon him or require Deyut. *Beng.* 1793 *R.* 9. § 76. ext. *Ben.* 1795 *R.* 16. § 22.

A. D. 1756 4. On the trial of a hill prisoner before the assembly of Bhaugulpoor hill Chiefs, if a prisoner be pronounced guilty of murder and would be liable to suffer death supposing the heir to demand retaliation, the prisoner shall be sentenced to, and shall suffer, death. *Beng.* 1796 *R.* 1. § 13. *C.* 4.

A. D. 1797 5. If on a trial for murder, the law officer of a Court of Circuit declare the prisoner convicted of wilful murder, the Court, without making any reference to the heir of the slain, shall require the law officer to declare what would be the legal punishment

supposing

[illegible] the Nizamut Adaulut, whether the Futwa declare the prisoner [illegible] or not liable to it from the heirs not being legally entitled to demand Kissas, or from the failure of Kissas from the parties standing in the relation of parent and child, master and slave, or otherwise. *Beng. Ben.* 1797 *R.* 4. § 3 *Ced. Prov.* 1803 *R.* 8. § 13. *C.* 2.

6. The law officers of the Nizamut Adaulut, in writing their Futwa in such referred trials, shall always assume, that all the heirs of the slain, entitled to prosecute for Kissas, attended, and prosecuted at an age competent to demand Kissas, and demanded Kissas; and the Nizamut Adaulut shall pass such sentence as may appear consonant to justice and conformable to the Muhamedan law, with the exceptions and modifications authorized by the Regulations. *Beng. Ben.* 1797 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 8. § 12.

7. If the Futwa declare a prisoner convicted of wilful murder not liable to suffer death from the failure of Kissas on the ground of the prisoner being the ancestor of the slain, or of the heir of the slain, or of one of the heirs of the slain, or the slain having been the slave of the prisoner, or of any other person, or of the public, or on any other ground of personal distinction, the Nizamut Adaulut shall sentence the prisoner to death unless deemed an object of mercy. *Beng. Ben.* 1799 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 15.

8. And also if the Futwa withhold Kissas in consequence of the prisoner having been desired by the slain to put him to death. *Beng. Ben* 1799 *R.* 8. § 3. *Ced. Prov.* 1803. *R.* 8. § 16.

9 Or in consequence of one or more of his accomplices being exempted from Kissas. *Beng. Ben.* 1799 *R.* 8. § 4. *Ced. Prov.* 1803 *R.* 8. § 17.

10. The distinction of the Muhamedan law of witholding Kissas when a person deliberately intending to murder one individual accidentally kills another, and in all cases in which any mistake or accident may occur either in the design of the person committing the homicide or in the act whereby the homicide is committed, is superseded. *Beng. Ben.* 1801 *R.* 8. § 1.

11. In the first case, the law officer shall be required to declare what would have been the punishment if the prisoner had committed the murder intended by him. *Beng. Ben.* 1801 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 2.

12. And the same rule is applicable to all other cases in which the prisoner shall be clearly convicted of having committed the homicide with a murderous intention, or

A. D. 1801 with a deliberate intention of committing any crime, which if perpetrated would have rendered him liable to suffer death. *Beng. Ben.* 1801 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 2. § 10. *C.* 3.

A. D. 1805 13. The Futwa, on a trial for a murder committed within the settlements of Chandernagore and Chinsura, shall be given without any reference to the heir of the slain, on a supposition that the legal demand for Kissas has been made. *Beng.* 1805 *R.* 16. § 3. *C.* 3.

LANDED PROPERTY.

I. *SUITS.*

A. D. 1793 1. Suits, respecting the succession or right to real property, land rents, and revenues, are cognizable in the Zilla or City Courts. *Beng.* 1793 *R.* 3. § 8. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 5.

2. Except for any land or house situated within the town of Calcutta. *Beng.* 1793. *R.* 3. § 17. *Ced. Prov.* 1803 *R.* 2. § 12.

3. All decisions of Zilla and City Courts are appealable to the Provincial Court of Appeal. *Beng.* 1793 *R.* 3. § 20. *Ben.* 1795 *R.* 7. § 12.

Modified by R. 5 § 2 4. Decrees of Provincial Courts of Appeal are to be final for Lakheraj land, if the annual produce do not exceed 100 Rupees, or Malguzaree land if the annual produce do not exceed 1000 Rupees, or a dependant Talook if the annual rent do not exceed 1000 Rupees, or any other real property not exceeding 1000 Rupees value. *Beng.* 1793 *R.* 5. § 30. ext. *Ben.* 1795 *R.* 9. § 6.

5. And decrees exceeding the limited amounts are appealable to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 10. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 10. *C.* 1.

Modified by R. 13 § 2 6. Decisions for real property, when appealed to the Provincial Court of Appeal, are not to be executed if the appellant on next Court day give sufficient security in a sum equal to one year's produce of the property decreed; otherwise the decree shall be executed on the respondent entering into similar security. *Beng.* 1793 *R.* 5. § 12. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 5.

Also 7. And when appealed from a Provincial Court of Appeal to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 10. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 10. *C.* 6.

8.

8. The [illegible] law for Mahomedans, or the Hindoo law for Hindoos, [illegible] be the rule for decisions in suits regarding succession and inheritance, and the respective law officers are to expound the law. *Beng.* 1793 *R.* 4. § 15. ext. *Ben.* 1795 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 1.

9. In suits regarding the succession or inheritance to any real property to which there are more claimants than one, the property shall be adjudged to all the claimants in their legal proportions. *Beng.* 1793 *R.* 3. § 13. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 19.

10. The Zilla Courts are to transmit, to the Collectors and Board of Revenue, a copy of every decree regarding land paying revenue to Government, within ten days after passing it or receiving it for execution. *Beng.* 1793 *R.* 4. § 9. *Ben.* 1795 *R.* 8. § 4. *C.* 2. *Ced. Prov.* 1803 *R.* 3. § 11. *C.* 1. Modified 1794 R. [illegible]

11. The plaint, concerning Lakheraj or Malguzaree land, is to state the annual produce of the land according to the most accurate estimate procurable; and concerning any house or other real property not being Lakheraj or Malguzaree land, is to state the value according to the nearest estimate. *Beng.* 1793 *R.* 4. § 3. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 3.

12. The decrees for real property are to be executed by causing possession of the property decreed to be delivered to the plaintiff. *Beng.* 1793 *R.* 4 § 7. ext. *Ben* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3 § 9.

13 Suits for real property not exceeding 200 Rupees annual produce if Malguzaree, twenty Rupees annual produce if Lakheraj, and 200 Rupees value if of any other description, may be referred by the Zilla and City Judges to their Registers for trial, subject to the Judge's revision. *Beng.* 1793 *R.* 13 § 6 ext. *Ben.* 1795 *R.* 12. § 2. Re-enacted 1794 R. 8 § 3 & in Ben. 1795 R 54 § 1 C. 2

14. Suits, regarding any real property situated within an invalid T'hana, shall be submitted to arbitration under the superintendence of the Regulating Officer. *Beng.* 1793 *R* 43. § 12. *C.* 1. Repealed 1804 R. 2 § 2.

15. Or decided by the Regulating Officer, if the parties refuse to appoint arbitrators. *Beng.* 1793 *R.* 43. § 13. ditto

16. Or by the Civil Courts, if either or both of the parties prefer it *Beng.* 1793 *R.* 43. § 19. ditto

17. All decisions of the Regulating Officer for real property are appealable to the Zilla Court. *Beng.* 1793 *R.* 43. § 21. ditto

18.

A. D. 1793 Rescinded 1804 R. 1 § 2

18. The Regulating Officer may execute his decree by causing the delivery of the property, if within the limits of the T'hana. *Beng.* 1793 *R.* 43. § 15.

Ditto

19. But, if the sale of any property lying without the limits of the T'hanas be necessary in execution of a decree, the Regulating Officer must apply to the Zilla Court. *Beng.* 1793 *R.* 43. § 17.

Ditto

20. The Regulating Officer is not to take cognizance of a claim to any property situated without the limits of the T'hana. *Beng.* 1793 *R.* 43. § 16.

21. All disputes or claims regarding the proprietary right in Lakheraj lands are to be determined in the Civil Courts. *Beng.* 1793 *R.* 19. § 4. *R.* 37. § 4. *Ben.* 1795 *R.* 41. § 4. *R.* 42. § 4. *Ced. Prov.* 1803 *R.* 31. § 4. *R.* 36. § 4.

A. D. 1794 Modified 1803 R. 49 § 6 C. 1

22. Suits for real property, not exceeding 200 Rupees annual produce if Malguzaree, twenty Rupees annual produce if Lakheraj, and 200 Rupees if of any other description, may be referred by the Zilla and City Judges, to their Registers, for trial. *Beng.* 1794 *R.* 8. § 3. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 6.

Modified 1795 R. 56 § 3

23. And the decisions of the Registers in such suits may be appealed to the Provincial Court of Appeal. *Beng.* 1794 *R.* 8. § 7.

24. No appeal is to be admitted from a decision passed between 6th April 1781 and 1st May 1793 for Lakheraj land not exceeding 100 Rupees annual produce, Ayma land not exceeding fifty Rupees annual quit rent, Malguzaree land not exceeding 1000 Rupees annual Jumma, or other real property not exceeding 1000 Rupees value: but, if such appeals should have been admitted, they shall be tried. *Beng.* 1794 *R.* 5. § 2.

A. D. 1795

25. The decisions of a City or Zilla Register, in suits referred to him, are to be appealed to the Judge. *Beng* 1795 *R.* 36. § 3. *C.* 1. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 10. *C.* 1.

Modified 1803 R. 49 § 82

26. And the decision of the Judge, on such appeals for real property, are appealable to the Provincial Court. *Beng.* 1795 *R.* 36. § 4. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1.

27. The Zilla Courts are to transmit, to the Collectors and Board of Revenue, a copy of every decree affecting the right or possession of any Lakheraj land, within twenty days after passing it or receiving it for execution. *Beng. Ben.* 1795 *R.* 58. § 3. *Ced. Prov.* 1803 *R.* 31. § 40. *R.* 36. § 43.

28. Only such decrees, regarding Malguzaree land, need be sent to the Collector and Board, as affect the proprietary right or possession. *Beng. Ben.* 1795 *R.* 58. § 4. *Ced. Prov.* 1803 *R.* 3. § 11. *C.* 2.

29.

29. All appealed decrees are to remain unexecuted, if the prescribed securities for one year's produce be given by the appellant within such reasonable period as may be fixed by the Court. *Beng. Ben* 1796 *R.* 13. § 2. *Ced. Prov.* 1803 (in Provincial Courts) *R.* 4. § 12. *C.* 5. (in Sudder Dewannee Adaulut) *R.* 5. § 10. *C.* 6. A. D. 1

30. The Judge of Zilla Chittagong may refer to the native Commissioners for trial, suits for landed property not exceeding fifty Rupees annual produce if Malguzaree, five Rupees annual produce if Lakheraj, and fifty Rupees value if of any other description. *Beng.* 1797 *R.* 18. § 2. A. D. 1797

31. Decisions of the Zilla Judges in Appeal on such suits may be further appealed to the Provincial Court of Appeal. *Beng.* 1797 *R.* 18. § 7.

32. Decisions of the Sudder Dewannee Adaulut for 5000l. and upwards are appealable to the King in Council. *Beng. Ben.* 1797 *R.* 16. § 1. *Ced. Prov.* 1803 *R.* 5. § 31.

33. Decrees of a Provincial Court of Appeal for real property are final if for Malguzaree land not exceeding 5000 Rupees annual produce, or Lakheraj land not exceeding 500 Rupees annual produce, or any other real property not exceeding 5000 Rupees computed value. *Beng Ben.* 1798 *R.* 5. § 2. *Ced. Prov.* 1803 *R.* 4. § 30. *C.* 1. A. D. 1798

34. The Sudder Dewannee Adaulut may admit an appeal, whatever be the amount of the suit, against the rejection of an appeal or its dismission for default. *Beng. Ben.* 1801 *R.* 2. § 8. *Ced. Prov.* 1803 *R.* 5. § 10. *C.* 12. A. D. 1801

35. And a Provincial Court of Appeal. *Beng. Ben.* 1801 *R.* 2. § 9. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 13.

36. The decisions of the Zilla Judges in the Ceded Provinces in suits for Malguzaree land exceeding 200 Rupees annual produce, Lakheraj land exceeding twenty Rupees annual produce, dependant Talooks exceeding 200 Rupees annual Jumma, or any other real property exceeding 200 Rupees value, are appealable to the Provincial Court of Appeal. *Ced. Prov.* 1803 *R.* 2. § 21. A. D. 1803 Re-enacted 1805, R. 8 § 16 C. 2

37. The Zilla and City Judges may refer, to their Registers, for trial, suits for Malguzaree land not exceeding 500 Rupees annual produce, or Lakheraj land not exceeding fifty Rupees annual produce, and any other property not exceeding 500 Rupees value. *Beng. Ben.* 1803 *R.* 49. § 6. *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 16. *C.* 1.

38. And to a head commissioner, suits for real property not exceeding 100 Rupees annual produce if Malguzaree land, or ten Rupees if Lakheraj, or 100 Rupees value if of any other description. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 1.

A. D. 1805 39. All decisions of Zilla and City Judges in suits tried by them in the first instance, are appealable to the Provincial Court of Appeal. *Beng. Ben.* 1803 *R.* 49. § 23. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 4.

40. And all decisions of the Registers are appealable to the Judge. *Beng. Ben.* 1803 *R.* 49. § 6. *C.* 3. *Ced. Prov.* 1805 *R.* 8. § 16. *C.* 4.

41. Decisions of Judges in appeal from the decisions of the Registers are final, if in a suit for Malguzaree land not exceeding 100 Rupees annual produce, or Lakheraj land not exceeding ten Rupees annual produce, or if not allowing or disallowing more than 100 Rupees value of any other real property; or if confirming the Register's decision, though for a greater amount: unless the Provincial Court of Appeal, in their discretion, should admit a special appeal. *Beng. Ben.* 1803 *R.* 49. § 8. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 6.

42. And are appealable to the Provincial Court of Appeal, if the Judge's decision, reversing or altering the Register's decision, be in a suit for Malguzaree land exceeding 100 Rupees, or for Lakheraj land exceeding ten Rupees, or if it adjudge or disallow more than 100 Rupees of other real property. *Beng. Ben.* 1803 *R.* 49. § 8. *C.* 3. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 7.

43. The decisions of the Judges, in appeal from the decision of native Commissioners of land suits in Chittagong and of the head Commissioners, are final: unless the Provincial Court of Appeal, in their discretion, should admit a special appeal. *Beng. Ben.* 1803 *R.* 49. § 22. *C.* 3. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 8.

44. The Provincial Courts of Appeal may admit a special appeal, from the decision of a Judge in appeal from the Register or a Commissioner, whatever be the amount, if it appear obviously erroneous or meriting a further investigation. *Beng. Ben.* 1803 *R.* 49. § 24. *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 2.

A. D 1805 45. The Sudder Dewannee Adaulut may admit a special appeal from the decision of a Provincial Court of Appeal whatever be the amount, if it appear evidently erroneous or meriting a further investigation. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 10. *C.* 1.

46. The Provincial Courts of Appeal may admit a special appeal, whatever be the amount of the suit, from the rejection or dismission of an original suit, for default. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 11.

A. D. 1806 47. In suits for landed property of considerable value, the defendant may be divested from the management of the land until the suit be decided, or Malzaminee security

rity be given; in which case the attachment shall be made through the Collector. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 5. *C.* 2.

48. All real property, or any part which the Court may deem proper, belonging to defendants and their sureties in confinement, shall be sold in satisfaction of the judgment of the Court. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 11.

II. RIGHT OF PROPERTY.

1. In mortgages of real property executed prior to 28th March 1780, the mortgagee shall enjoy the usufruct in lieu of interest till that date, if so stipulated; after which date the same interest is to be allowed on mortgages as on other dealings; and the mortgage is to be considered cancelled whenever the principal with simple interest shall have been liquidated from the produce subsequent to that date, or otherwise discharged *Beng.* 1793 *R.* 15. § 10. *Ced. Prov.* (after 10th November 1801) 1803 *R.* 34. § 9. *Cuttack* (after 14th October 1808) 1805 *R.* 14. § 9. *C.* 6. A. D. 1793

2. The grantees or present possessors of resumed Lakheraj land are to be considered, until ousted by judgment of Court, proprietors of the lands, with the same right of property which is vested in the proprietors of Malguzaree estates. *Beng.* 1793 *R.* 19. § 4. *Ben.* 1795 *R.* 41. § 4. *Ced. Prov.* 1803 *R.* 31. § 4.

3. Deeds of sale or gift of lands, houses, and other real property, are to be registered in the office of Register of the Zilla. *Beng.* 1793 *R.* 36. § 3. *C.* 2. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 2.

4. And mortgages, as well as certificates of the discharge of such incumbrances. *Beng.* 1793 *R.* 36. § 3. *C.* 3. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 3.

5. And leases, and limited assignments, and all conveyances for the temporary transfer. *Beng.* 1793 *R.* 36. § 3. *C.* 4. ext. *Ben.* 1795 *R.* 28 § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 4.

6. The omission of registering such deeds executed prior to the first January 1796, shall in no wise operate to the prejudice of the right of the parties. *Beng.* 1793 *R.* 36. § 4. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* (prior to 24th March 1806) 1803 *R.* 17. § 4.

7. Nor the omission of registering leases &c. executed subsequently. *Beng.* 1793 *R.* 36. § 5. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 5.

8. But a deed of sale or gift, executed after the 1st January 1796, shall, if duly registered, supersede any other similar deed for the same property executed also subsequent

A. D. 1793 quent to the above date but unregistered, whether it be prior or subsequent to the registered deed. *Beng.* 1793 *R.* 36. § 6. *C.* 1. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* (after 24th March 1806) 1803 *R.* 17. § 6. *C.* 1.

9. Also a deed of mortgage. *Beng.* 1793 *R.* 36. § 6. *C.* 2. ext. *Ben.* 1795 *R.* 28. § 2 *Ced Prov.* 1803 *R.* 17. § 6. *C.* 2.

10. Unless the party taking and registering such deed of sale, gift or mortgage, knew of the existence of the prior deed and of its not being registered. *Beng.* 1793 *R.* 36. § 6. *C.* 3. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 6. *C.* 3.

11. Europeans are prohibited from purchasing, renting or occupying any land beyond the limits of Calcutta without the sanction of the Governor General in Council, and may be dispossessed without indemnification for buildings &c. *Beng.* 1793 *R.* 38. § 3. ext. *Ben.* 1795 *R.* 48. § 3. *Ced. Prov.* 1803 *R.* 19. § 3.

12. And Europeans, holding mortgages on lands, shall not be permitted to hold possession of the land or to have any concern in the management. *Beng.* 1793 *R.* 38. § 4. *Ben* 1795 *R.* 48. § 4. *Ced. Prov.* 1803 *R.* 19. § 4.

13. Every rule or order of the Governor General in Council, affecting the rights, persons or property of individuals amenable to the Provincial Courts, shall be framed into a Regulation, printed and published. *Beng.* 1793 *R.* 41. § 2. ext. *Ben.* 1795 *R.* 1 § 4 *Ced Prov.* 1803 *R.* 1. § 2.

14. Lakheraj land, held on a life tenure, shall not be sold, transferred, nor mortgaged beyond the life of the possessor. *Beng.* 1793 *R.* 19. § 2. *C.* 5. *R.* 37. § 2. *C.* 5. *Ben.* 1795 *R.* 41. § 2. *C.* 5. *R.* 42. § 2. *C.* 6. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 6. *R.* 36. § 2. *C.* 6. *Cuttack* 1805 *R.* 12. § 18. *C.* 6. and § 26. *C.* 6.

15. But hereditary grants are transferrible by sale, gift or otherwise. *Beng.* 1793 *R.* 19. § 20. *R.* 37. § 15. *Ben.* 1795 *R.* 41. § 20. *R.* 42. § 15. *Ced. Prov.* 1803 *R.* 31. § 15. *R.* 36. § 15.

Re-enacted 1804 R. 1 § 16 16. The Jageers of invalided Sepoys are not assignable as security for money borrowed by them, nor answerable for their debts; but, after devolving to heirs, will be answerable for the debts of the heir. *Beng.* 1793 *R.* 43. § 27.

ditto § 12 17. The widows of invalids do not forfeit their Jageers by marrying again; but such Jageers, after their death, shall devolve to their heirs. *Beng.* 1793 *R.* 43. § 9.

18. By the term estate is understood any Malguzaree land for the discharge of which a separate engagement has been entered into with Government. *Beng.* 1793 *R.* 48. § 2. *C.* 2. *Ben.* 1795 *R.* 19. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 42. § 2. *C.* 2.

19. Proprietors of the soil are Zemindars, Talookdars or Choudrees. *Beng.* 1793 *R.* 8. § 4.

20. The following Talookdars are to be considered actual proprietors. *Beng.* 1793 *R.* 8. § 5. *C.* 1.

21. 1st; Talookdars who received Sunnuds from the Khalsa, or deeds of sale or of gift from the Zemindar, making over the proprietary right. *Beng.* 1793 *R.* 8. § 5. *C.* 2.

22. 2d; Or whose Talooks are older than the possession of the present Zemindar or his ancestors. *Beng.* 1793 *R.* 8. § 5. *C.* 3.

23. 3d; Or never belonged to the present Zemindar or his ancestors. *Beng.* 1793 *R* 8. § 5. *C.* 4.

24. 4th; Or who have succeeded to any such Talooks by purchase, gift, or inheritance. *Beng.* 1793 *R* 8. § 5. *C.* 5.

25. 5th; Holders of Malguzaree Aymas granted previous to the Company's Dewannee, or since for a valuable consideration. *Beng.* 1793 *R* 8 § 9.

26. The following Talookdars are not to be considered actual proprietors: 1st; those whose title deeds specify that they shall pay their revenue through the Zemindar. *Beng.* 1793 *R.* 8. § 6.

27. 2d; Those whose title deeds do not expressly transfer the property in the soil, provided they now pay their revenue through the Zemindar. *Beng.* 1793 *R.* 8. § 7.

28. 3d; Jungul-booree Talookdars. *Beng.* 1793 *R.* 8. § 8.

29. 4th; Holders of Malguzaree Ayma on Jungul-booree tenure. *Beng.* 1793 *R.* 8. § 9.

30. 5th; Istumrardars who hold on Pottah or lease from the proprietor of the soil. *Beng.* 1793 *R.* 8. § 19.

31. Landholders and their heirs will be allowed to hold their estates for ever at the assessment which they have engaged for. *Beng.* 1793 *R.* 1. § 4. *Ben.* 1795 *R.* 1. § 2.

32. And will be restored to their estates now farmed or held Khas, on agreeing to the required assessment which shall be unalterable for ever; but, if the estate be farmed, not till the lease expire, or a transfer of it be obtained with the consent of Government. *Beng.* 1793 *R.* 1. § 5. *Ben.* 1795 *R.* 27. § 2. *Ced. Prov.* 1803 *R.* 25. § 33. *Conq. Prov.* 1805 *R.* 9. § 23.

A. D. 1795

33. And lands now belonging to Government, if transferred to individuals, will remain to them and their heirs for ever at the Jumma fixed. *Beng.* 1793 *R.* 1. § 6. *Ben.* 1795 *R.* 27. § 3.

34. Landholders may transfer the whole or a portion of their estates by sale, gift &c. without the sanction of Government, if such transfer be according to the law of the party and not repugnant to the Regulations of Government; but no transfer, mortgage, nor private assessment, shall affect the right of Government to hold all lands liable in the first instance for the public revenue. *Beng.* 1793 *R.* 1. § 9. *Ben.* 1795 *R.* 27. § 6. *Ced. Prov.* 1803 *R.* 25. § 36 *Conq. Prov.* 1805 *R.* 9. § 26.

35. Bonâ fide transfers, since the 8th June 1787, are valid without the sanction of the Revenue Board; but such transfers must be notified to the Collector: and all loans on the credit of their estates, since the 29th October 1790, are valid without such sanction. *Beng.* 1793 *R.* 8. § 67. *C.* 2.

36. All landholders may bequeath in writing, or verbally, their estates as they think proper, provided that the bequest be not repugnant to the Regulations of Government or the law of their religion. *Beng.* 1793 *R.* 11. § 6. *Ben.* 1795 *R.* 44. § 6.

37. The estates of landholders dying intestate after the 1st July 1794 shall descend to all the heirs entitled by the Muhamedan or Hindoo law. *Beng.* 1793 *R.* 11. § 2. *Ben.* (after 1204) 1795 *R.* 44. § 2.

38. Resumed rent-free land, of which the rent belongs to Government, is to be considered as an independent Talook. *Beng.* 1793 *R.* 19. § 7.

39. And that of which the rent belongs to the Zemindars, as a dependant Talook. *Beng.* 1793 *R.* 19. § 6.

A. D. 1795

40. Landholders in Benares, who have conformed to the terms of the settlement of 1197, shall hold their lands at the fixed Jumma for ever. *Ben.* 1795 *R.* 1. § 2.

41. Zemindars, dispossessed before the 1st July 1795, may be restored on the death of the farmer or on the lease becoming otherwise void. *Ben.* 1795 *R.* 1. § 3. *C.* 5.

42. Landholders, who have had possession since that date but were excluded at the formation of the permanent settlement, may be restored on proving such possession in the Dewannee Adaulut, and indemnifying the farmer for the loss which the Court shall decide the farmer to have proved. *Ben.* 1795 *R.* 1. § 3. *C.* 6.

43. Those, whose estates are farmed, may be restored in case of the farmer defaulting, on their paying his balance, or finding security to pay it within one year. *Ben.* 1795 *R.* 6. § 18. *C* 1. *Ced. Prov.* 1803 *R.* 27. § 18. *C.* 1.

44.

44. By the term proprietor, or actual proprietor, of land, is meant the person immediately responsible to Government for the payment of the revenue and the performance of the other stipulations and conditions of the deeds of settlement, whether he possess the entire proprietary right in the land or be only the principal among the Puteedars. *Ben.* 1795 *R.* 27. § 10. A. D. 1795

45. Mortgages with conditional sale (Byebil Wufa or Kut Kubala) shall be considered redeemed on the borrower's tendering to the lender, or, if he refuse to receive payment, by depositing in Court, within the stipulated period, the principal with legal interest if the lender should not have had possession of the land; or the principal only if the lender have had possession; or any less sum which may be admitted by the lender, or established on investigation, to be the total amount due. *Beng. Ben.* 1798 *R.* 1. § 2. *Ced. Prov.* 1803 *R.* 34. § 12. A. D. 1798

46. But a Teep for the payment of money shall be no tender unless accepted as such by the lender. *Beng. Ben.* 1798 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 34. § 14.

47. Any private transfer by sale, gift or otherwise, and any mortgage of real property left in the possession of the appellant pending the appeal, shall be null and void in case the decree in appeal should be against him. *Beng. Ben.* 1798 *R.* 5. § 4. *Ced. Prov.* 1803 *R.* 4. § 14. *C.* 1.

48. And the same principle is applicable where the property has been delivered into possession of the respondent in consequence of the appellant failing to give security for staying execution. *Beng. Ben.* 1798 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 4. § 14. *C.* 2.

49. Executors, appointed by will, may take possession of the deceased's estate without application to the Court, and the Courts are restricted from interfering except on a regular complaint against the executors. *Beng. Ben.* 1799 *R.* 5. § 2. *Ced. Prov.* 1803 *R.* 3. § 16. *C* 2. A. D. 1799

50. The heir of an intestate, if of age and competent, or the guardian of a minor or incompetent heir, may similarly take possession of the estate, and the Court is restricted from interfering except on a regular complaint. *Beng. Ben.* 1799 *R.* 5. § 3. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 3.

51. And similarly more heirs than one, if they agree among themselves; but, in case of a complaint, the Court shall take security from the party who may have first taken possession, or, should he fail to give it, from any other claimant able to give it. *Beng. Ben.* 1799 *R.* 5. § 4. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 4.

52. If neither party can give security, or if there be no person authorized and willing to take charge, the Court shall appoint an administrator to the charge till the decision

A. D. 1799 sion of the suit, or till the heir or person entitled to receive charge attend; when the Court, if the claim be established, shall deliver the estate to him. *Beng. Ben.* 1799 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 3. § 16 *C.* 5.

53. Dependant Talookdars shall register, in the Sudder Cutcherry of the Zemindaree to which they belong, all transfers of, and succession to, such Talooks or portions thereof, and divisions of such Talooks, and shall obtain the previous written consent of the Zemindar for the distribution of the Jumma on such a division: otherwise the whole Talook will remain responsible to the Zemindar. Landholders are to deliver annually, or when required, to the Collectors, a record of the engagements with the dependant Talookdars, including any alterations thus registered. *Beng.* 1799 *R.* 7. § 15. *C.* 8.

A. D. 1800 54. Landed estates in the Jungul Mehals of Midnapoor are to descend according to local customs. *Beng.* 1800 *R.* 10. § 2.

55. Talookdars, entitled to be separated from the Zemindary under Section 5, Regulation 8 of 1793, shall forfeit all title to separation if they do not prefer their claim within one year; and new Talooks created since the decennial settlement, are not entitled to separation. *Beng.* 1801 *R.* 1. § 14.

A. D. 1803 56. The proprietary right of all Zemindars, Talookdars and other landholders, in the Provinces ceded by the Nuwab Vizeer to the Company, possessing a right of property in the land, is confirmed. *Ced. Prov.* 1803 *R.* 25. § 34. *Conq. Prov.* 1805 *R.* 9. § 24.

A. D. 1804 57. The Jageers of invalided Sepoys are not assignable as security for money borrowed by them, nor answerable for their debts; but, after descending to heirs, will be answerable for the debts of the heirs. *Beng.* 1804 *R.* 1. § 16.

58. The widows of invalids do not forfeit their Jageers by marrying again; but such Jageer, after their death, shall devolve to their heirs. *Beng.* 1804 *R.* 1. § 12.

III. *CONTINGENT PENALTIES AND FORFEITURES.*

A. D. 1793 1. The landed property of the surety of any proprietor or farmer of land may be sold for recovery of an arrear due from the principal. *Beng.* 1793 *R.* 14. § 24. *Ben.* 1795 *R.* 6. § 30. *Ced. Prov.* 1803 *R.* 27. § 30. *C.* 3.

2. If any person, vested with the power of distraint, shall distrain or sell the lands, houses or other real property of their under renters and Rayats, he shall forfeit the arrear and be compelled to restore the property or its value and to pay costs and damages. *Beng.* 1793 *R.* 17. § 3. *Ben.* 1795 *R.* 45. § 3. *Ced. Prov.* 1803 *R.* 28. § 3.

3. The lands of any landholder or farmer of land convicted of conniving at thefts or robberies, will be liable to be fold, at the difcretion of Government, to make good the value of the property ftolen. *Beng.* 1793 *R.* 22. § 3. A. D. 1793

4. Claimants to land or crops fhall forfeit their right to the difputed land or crops, if any perfon be killed, wounded or violently beaten in confequence of a forcible attempt to take poffeffion. *Beng.* 1793 *R.* 49. § 4. ext. *Ben.* 1795 R. 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 4.

5. And though not prefent themfelves, if the forcible attempt fhall have been made by their orders, knowledge, or connivance. *Beng.* 1793 *R* 49. § 5. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 5.

6. And the difputed land or crops fhall be forfeited to Government, and difpofed of as the Governor General in Council may direct, if any perfon fhould be killed, wounded or violently beaten in cafe of both parties going armed and entertaining armed people, one to take and the other to keep poffeffion. *Beng.* 1793 *R.* 49. § 6. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 6.

7. The lands of actual proprietors, who engage for them, are to be deemed fufficient fecurity for the public revenue. *Beng.* 1793 *R.* 2. § 37.

8. And will be fold, or a portion thereof, for any arrear of revenue. *Beng.* 1793 *R.* 1. § 7. *C.* 3. *Ben.* 1795 *R.* 6. § 17. *C.* 5. *Ced. Prov.* 1803 *R.* 27. § 17 *C.* 5.

9. Except the lands of difqualified landholders, for arrears accrued during their difqualification. *Beng.* 1793 *R.* 1. § 8. *C.* 5. *Ced. Prov.* 1803 *R.* 52. § 6.

10. Landed property may alfo be fold in execution of decrees. *Beng.* 1793 *R.* 4. § 7. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 8.

11. Landholders are to forfeit their eftates for refifting procefs of Zilla Courts unlefs Government in four weeks fhould commute it to a fine. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23. Modified 1799 R. 9 § 8.

12. And procefs of the Provincial Appeal Courts. *Beng.* 1793 *R.* 5 § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23. *C.* 1. ditto

13. Of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 24. ditto

14. And of Collectors. *Beng.* 1793 *R.* 14. § 16. ext. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 27. § 23.

A. D. 1793 15. Government may confer the rights of the offender on his heirs or may order the lands to be sold at public sale for resistance to Zilla Courts. *Beng.* 1793 *R.* 4. § 23. *Ben.* 1795 *R.* 8. § 6. *C.* 2. *Ced. Prov.* 1803 *R.* 3. § 24.

16. To Provincial Appeal Courts. *Beng.* 1793 *R.* 5. § 24. *Ben.* 1795 *R.* 9. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 4. § 24.

17. To the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 25. *Ben.* 1795 *R.* 10. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 5. § 25.

18. And to Collectors. *Beng.* 1793 *R.* 14. § 18. *Ben.* 1795 *R.* 6. § 25. *Ced. Prov.* 1803 *R.* 27. § 25.

19. Landholders, allowing a prohibited boat to be built or repaired, shall forfeit the village in which it is built or repaired. *Beng.* 1793 *R.* 22. § 20. *C.* 3.

20. Landholders are to forfeit their estates for resisting the Ameen deputed to attach their lands for sale in execution. *Beng.* 1793 *R.* 49. § 9. *Ben.* 1795 *R.* 20. § 9. *Ced. Prov.* 1803 *R.* 26. § 23.

A. D. 1794 21. And for resisting the Ameen deputed to attach their lands for arrears of revenue. *Beng.* 1794 *R.* 3. § 10.

22. Any other real property of landholders is liable for a balance of revenue, if no person should offer to purchase the lands put up to public sale for the recovery of the arrear due. *Beng.* 1794 *R.* 3. § 14.

23. The real property of any public officer in charge of money or accounts may be attached and sold to make good the amount due from him. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 3.

A. D. 1795 24. All land held in property or in mortgage, or in farm, by a Brahmen charged with having established a Koorh or with threatening to put to death his women or children in resentment to an individual, shall be attached until he surrender. *Ben.* 1795 *R.* 21. § 5.

25. Or charged with so doing to prevent the service of a Dustuk for arrears of revenue. *Ben.* 1795 *R.* 21. § 6.

26. And shall be forfeited, and disposed of as Government shall deem proper, if he put to death any of his women or children on account of such resentment. *Ben.* 1795 *R.* 21. § 9.

27.

27. But the forfeiture shall be remitted, unless Government should also order the banishment of the whole family of such Brahmen. *Ben.* 1795 *R.* 21. § 10.

28. When the settlement is made with the actual proprietor of lands in Benares, the lands are responsible for the revenue, but security is also to be taken. *Ben.* 1795 *R.* 5. § 31.

29. The property of defaulting farmers in Benares may be sold for recovery of arrears of revenue in cases judged advisable by the Board of Revenue. *Ben.* 1795 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 27. § 18. *C.* 4.

30. Government has a right to sell landed property in Benares for the recovery of revenue arrears. *Ben.* 1795 *R.* 2. § 26.

31. Except the lands of dispossessed proprietors, for arrears accrued during their dispossession. *Ben* 1795 *R.* 27. § 5. *C.* 5.

32. Or the lands of the ancient proprietors dispossessed before 1st July 1775, until their restoration. *Ben.* 1795 *R.* 27. § 8.

33 Landholders, resisting process of the Benares City Court, are liable to the penalties of Regulation 4 of 1793 for resisting process of Zilla Courts. *Ben.* 1795 *R.* 8. § 8.

34. Landholders in the jurisdiction of the Benares City Court are liable to the penalties of Regulation 5 of 1793 for resisting process of the Provincial Court of Appeal. *Ben.* 1795 *R.* 9. § 7.

35. And to the penalties of Regulation 6 of 1793 for resisting process of the Sudder Dewannee Adaulut. *Ben.* 1795 *R.* 10. § 5.

36. A landholder, resisting or causing to be resisted the process of a Magistrate or Police officer, shall be adjudged by the Magistrate on conviction to have forfeited his land. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 2. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 2.

37. Commutable for a fine by the Nizamut Adaulut, or subject to the final decision of the Governor General in Council, if the Nizamut Adaulut confirm the forfeiture. *Beng. Ben.* 1796 *R.* 11. § 3. *Ced. Prov.* 1804 *R.* 3. § 3.

38. If a landholder absconds from a process on a criminal charge, his land shall be attached by precept of the Magistrate to the Collector. *Beng. Ben.* 1796 *R.* 11. § 4. *C.* 2. *Ced Prov.* 1804 *R.* 3. § 4. *C.* 2.

39. When the absentee appears, the attachment shall be withdrawn by similar precept, and a fair account rendered. *Beng. Ben.* 1796 *R.* 11. § 5. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 4.

40.

A. D. 1796 40. *But if he appear not in six months, Government will, on report of the Magistrate,* give orders respecting the future disposal of the land. *Beng. Ben.* 1796 *R.* 11. § 6. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 5.

A. D. 1797 41. Landholders in Benares, convicted of wilful neglect in police matters, are liable to forfeiture of estate, according to the circumstances of the case. *Ben.* 1797 *R.* 2. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 5.

42. Subject to the final judgment of the Governor General in Council, in sentences of forfeiture. *Ben.* 1797 *R.* 2. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 5.

A. D. 1799 43. The landed property of defaulting farmers may be attached and sold for recovery of the arrears due on their farms. *Beng.* 1799 *R.* 7. § 23. *C.* 6.

44. Landed property, purchased at public sale in a fictitious or substituted name, will be liable to confiscation to Government. *Beng.* 1799 *R.* 7. § 29. *C.* 3. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 9.

45. Or purchased directly or indirectly by the defaulter himself. *Beng.* 1799 *R.* 7. § 29. *C.* 4. ext. *Ben.* 1800 *R.* 5 § 26. *Ced. Prov.* 1803 *R.* 26. § 10.

46. Landholders, resisting processes of the Civil Courts of cities Dacca, Moorshedabad and Patna, are liable to the forfeiture of Section 22 Regulation 4 of 1793, for resistance to Zilla Courts; but, if they possess no land within the Court's jurisdiction, are to be fined under Section 25. *Beng.* 1799 *R.* 9. § 2.

A. D. 1800 47. Wilfully omitting a new village in the statements which they may furnish to the Collector, shall forfeit the village. *Beng. Ben.* 1800 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 42. § 40.

48. And may be fined by Government for omitting to notify, or for misrepresenting, their acquisition of, or succession to, an estate. *Beng. Ben.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42. § 41.

A. D. 1804 49. The real property of any person convicted by a Court Martial of treason, rebellion, &c. shall be forfeited to Government. *Beng. Ben. Ced. Prov.* 1804 *R.* 10. § 3.

A. D. 1805 50. Any Zemindar, entrusted with the charge of the Police, who may be convicted of connivance at depredations, or of wilful neglect in the prevention of them, will be liable in heinous cases to forfeiture of his lands. *Beng.* 1805 *R.* 18. § 7. *C.* 15.

51. Subject, in cases of forfeiture, to the ultimate determination of the Governor General in Council. *Beng.* 1805 *R.* 8. § 7. *C.* 16.

LANDHOLDERS.

LANDHOLDERS.

I. GENERAL RIGHTS.

1. Proprietors of the soil are Zemindars, Talookdars or Choudries. *Beng.* 1793 *R.* 8. § 4. A. D. 1793

2. Landholders may transfer the whole or portions of their estates by sale, gift &c. without the sanction of Government, if such transfer be according to the law of the party and not repugnant to the Regulations of Government; but no transfer, mortgage, nor private assessment, shall affect the right of Government to hold all lands liable in the first instance for the public revenue. *Beng.* 1793 *R.* 1. § 9. *Ben* 1795 *R.* 27. § 6. *Ced. Prov.* 1803 *R.* 25. § 36. *Conq. Prov* 1805 *R.* 9 § 26.

3. Bonâ fide transfers, since the 8th June 1787, are valid without the sanction of the Revenue Board, but such transfers must be notified to the Collectors; and all loans on the credit of their estates, since the 29th October 1790, are valid without such sanction. *Beng.* 1793 *R.* 8. § 67. *C.* 2.

4. Landholders, whose heirs are disqualified, may appoint guardians to such heirs by will. *Beng.* 1793 *R.* 10. § 21. *Ced. Prov.* 1803 *R.* 52 § 25.

5. All landholders may bequeath in writing or verbally their estates as they think proper, provided that the bequest be not repugnant to the Regulations of Government or the law of their religion. *Beng.* 1793 *R.* 11. § 6. *Ben.* 1795 *R.* 44. § 6.

6. The estates of landholders dying intestate after the 1st July 1794 shall descend to all the heirs entitled by the Muhamedan or Hindoo law. *Beng.* 1793 *R.* 11. § 2. *Ben.* (after 1203) 1795 *R* 41. § 2.

7. Landholders are entitled to the revenue of resumed rent-free land, not exceeding 100 Begas in any one grant, made before the 1st December 1790 within their estates. *Beng.* 1793 *R.* 19. § 6. *Ben.* (grants not exceeding fifty Begas made before 1196) 1795 *R.* 41. § 6.

8. They may resume, without suit, such grants, if not registered within one year. *Beng.* 1793 *R.* 19. § 26. *Ben.* 1795 *R.* 41. § 26.

9. And all grants, whether exceeding 100 Begas or under, made since the 1st December 1790 by any other authority than the Governor General in Council. *Beng.* 1793 *R.* 19. § 10. *Ben.* (grants made since 1195) 1795 *R.* 41. § 10.

A. D. 1793 10. But are liable for damages if they resume any other grant without suit. *Beng.* 1793 *R.* 19. § 11. *Ben.* 1795 *R.* 41. § 11.

11. They are also to pay damages for suing for the resumption on insufficient grounds. *Beng.* 1793 *R.* 19 § 16. *Ben.* 1795 *R.* 41. § 16.

12. Every rule or order of Government, affecting the rights and tenures of the proprietors of the soil, is to be framed into a Regulation printed and published. *Beng.* 1793 *R.* 41. § 2. ext. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1. § 2.

1795 13. By the term proprietor, or actual proprietor, of land, is meant the person immediately responsible to Government for the payment of the revenue and the performance of the other stipulations and conditions of the deeds of settlement, whether he possess the entire proprietary right in the land or be only the principal among the Putteedars. *Beng.* 1795 *R.* 27. § 10.

14 Pensions to the dispossessed Zemindars of Benares are not hereditary without the sanction of Government. *Ben.* 1795 *R.* 34. § 3.

A. D. 1800 15. Landed estates in the Jungul Mehals of Midnapoor are to descend according to local custom. *Beng.* 1800 *R.* 10. § 2.

A. D. 1803 16. The proprietary right of all Zemindars, Talookdars, and other landholders, in the Provinces ceded by the Nuwab Vizeer to the Company, is confirmed. *Ced. Prov.* 1803 *R.* 25. § 34. *Conq. Prov.* 1805 *R.* 9. § 24.

17. Landholders in the Ceded Provinces may grant small portions of land rent-free, for the support of the village watchmen, resumable on the death or removal of the party. *Ced. Prov.* 1803 *R.* 25. § 32. *Conq. Prov.* 1805 *R.* 9. § 22.

II. *REVENUE.*

A. D. 1793 1. A Zemindar, dissatisfied with a Collector's decision declaring any Talookdar independent, may sue the Talookdar in the Civil Court to disprove his right of separation; and vice versa. *Beng.* 1793 *R.* 8. § 12. *Ced. Prov.* 1803 *R.* 27. § 53. *C.* 8.

2. Separated Talookdars may sue the Zemindar in consequence of their Jumma being enhanced by Government beyond the terms of the Zemindar's grant. *Beng.* 1793 *R.* 8. § 75.

3. Separated Talookdars are not to pay their revenue through the Zemindars. *Beng.* 1793 *R.* 8. § 13.

4. But directly into the Collector's treasury or through a Tehsildar. *Beng.* 1793 *R.* 8. § 14.

5. Nor shall a Zemindar be appointed Tehsildar for the separated Talooks. *Beng.* 1793 *R.* 8. § 15.

6. Mokururee leases to the actual proprietors of the soil, if granted or confirmed by Government, are to remain in force. *Beng.* 1793 *R.* 8. § 17.

7. And Talooks in Bengal, which have been held at a fixed rent during twelve years, are to continue at the former Jumma. *Beng.* 1793 *R.* 8. § 49.

8. And in Behar. *Beng.* 1793 *R.* 8. § 84.

9. Landholders and their heirs will be allowed to hold their estates for ever at the assessment which they have engaged for. *Beng.* 1793 *R.* 1 § 4. *Ben.* 1795 *R.* 1. § 2.

10. And will be restored to their estates now farmed or held Khas, on agreeing to the required assessment, which shall be unalterable for ever; but, if the estate be farmed, not till the expiration of the lease or until a transfer of it with the consent of Government. *Beng.* 1793 *R.* 1. § 5. *Ben.* 1795 *R.* 27. § 2. *Ced. Prov.* 1803 *R.* 25. § 33. *Conq. Prov.* 1805 *R.* 9. § 23.

11. And lands now belonging to Government, if transferred to individuals, will remain to them and their heirs for ever at the Jumma fixed. *Beng.* 1793 *R.* 1. § 6. *Ben.* 1795 *R.* 27. § 3.

12. Landholders shall have no right to object to the discharge of their fixed revenue in consequence of any Regulations which Government may enact for the protection of the dependant Talookdars, Rayats &c. *Beng.* 1793 *R.* 1. § 8. *C.* 1. *Ben.* 1795 *R.* 27. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 1. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 2.

13. Landholders are not entitled to participate in any of the abolished Sayer duties, which Government may have re-established. *Beng.* 1793 *R.* 1. § 8. *C.* 2. *Ben.* 1795 *R.* 27. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 2. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 2.

14. Nor in the assessment which Government may impose on Lakheraj lands resumed. *Beng.* 1793 *R.* 1. § 8. *C.* 3. *Ben.* 1795 *R.* 27. § 5. *C.* 3. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 3. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 3

A. D. 1793

15. Except grants not exceeding 100 Begas in any one grant made previous to the 1ſt December 1790, if reſumed as invalid. *Beng.* 1793 *R.* 19. § 6. *Ben.* (grants not exceeding fifty Begas made before 1196) 1795 *R.* 41. § 6.

16. And ſimilar grants, if not regiſtered within the preſcribed period. *Beng.* 1793 *R.* 19. § 26. *Ben.* 1795 *R.* 41 § 26.

17. And grants, whether exceeding or under 100 Begas, made ſince 1ſt December 1790, by any other authority than the Governor General in Council. *Beng.* 1793 *R.* 19. § 10. *Ben.* (grants made ſince 1195) 1795 *R.* 41. § 10.

18. Landholders are to pay their revenues to the Collector of the Zilla. *Beng.* 1793 *R.* 2. § 8. *C.* 1. *Ben.* 1795 *R.* 5. § 7. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 1.

19. The Board of Revenue may advance to landholders Tucavee as far as five per cent on the Jumma; if a greater ſum be required, the ſanction of Government muſt be obtained. *Beng.* 1793 *R.* 2. § 44. *Ben.* 1795 *R.* 5. § 36.

20. And may aſſiſt them with advances for repairing embankments, &c. *Beng.* 1793 *R.* 33. § 8. ext. *Ben.* 17 5 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 8.

21. The lands of actual proprietors, who engage for them, are to be deemed ſufficient ſecurity for the public revenue. *Beng.* 1793 *R.* 2. § 37.

22. And will be ſold, or a portion thereof, for all arrears of revenue. *Beng.* 1793 *R.* 1. § 7. *C.* 3. *Ben.* 1795 *R.* 6. § 17. *C.* 5. *Ced. Prov.* 1803 *R.* 27. § 17. *C.* 5.

23. Except the lands of diſqualified landholders, for arrears accrued during the diſqualification. *Beng.* 1793 *R* 1 § 8. *C.* 5. *Ced. Prov.* 1803 *R.* 52. § 6.

24 Landholders, on making their ſettlement, ſhall receive the Bundobuſtee Purwana from the Board of Revenue. *Beng.* 1793 *R.* 2. § 40.

25. Eſtates of diſqualified landholders are to be managed, in truſt for them, by officers appointed by Government. *Beng.* 1793 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 52. § 1.

Reſcinded Beng. 8. 5 R. 17 5 8

26. Joint proprietors, if not all diſqualified, are to elect a manager by the majority of votes, or of intereſt; if the votes and intereſt be equal, the Board ſhall appoint the manager. *Beng.* 1793 *R.* 8. § 23. *Ced. Prov* 1803 *R.* 52 § 5. *C.* 1.

ditto

27. If the proprietors refuſe to elect a manager, the Collector ſhall nominate him for the Board's approval. *Beng.* 1793 *R.* 8. § 25. *Ced. Prov.* 1803 *R.* 52 § 5. *C.* 3.

28.

28. For such of the proprietors as have guardians, the guardians are to vote. *Beng.* 1793 *R.* 8. § 24. *Ced. Prov.* 1803 *R.* 52. § 5 *C.* 2. A. D. 1793 Rej. Indep. Beng. 1805 R. 17 § 2

29. The majority of votes present is similarly to be binding on the remainder in agreeing to, or disagreeing from, the proposed Jumma. *Beng.* 1793 *R.* 8. § 26. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 4.

30. Landholders, who decline to engage at the assessment proposed, are to receive Malikana at the rate of ten per cent on the Sudder Jumma, if their estate be farmed; and on the neat collections, if their estate be held Khas. *Beng.* 1793 *R.* 8. § 44. *Ced. Prov.* 1803 *R.* 27 § 53. *C.* 5. *Conq. Prov.* 1805 *R.* 9. § 8.

31. The Collector is to pay the Malikana on estates held Khas. *Beng.* 1793 *R.* 8. § 47.

32. And to enforce from the farmers the regular payment of the Malikana in estates farmed. *Beng.* 1793 *R.* 8. § 46.

33. Landholders are liable to be confined for arrears of revenue. *Beng.* 1793 *R.* 14. § 4. *Ben.* 1795 *R.* 6. § 11. *Ced. Prov.* 1803 *R.* 27. § 11. Modified 1794 R. 3 § 8

34. Except joint proprietors of an estate under charge of a manager, and disqualified landholders under the Court of Wards, and female proprietors. *Beng.* 1793 *R.* 14. § 48. *Ben.* 1795 *R.* 6. § 53. *Ced. Prov.* 1803 *R.* 27. § 50. *R.* 52. § 6. Modified 1805 R. 17 § 3

35. Landholders shall not be liable to confinement for revenue arrears or Tucavee advances. *Beng.* 1794 *R.* 3. § 3. A. D. 1794

36. Excepting when the proceeds of the sale of their lands shall not be sufficient to make good the demand, or no person shall offer to purchase them when put up to sale: in one case their personal property is also liable for the arrear; and property of every description, in the other case. *Beng.* 1794 *R.* 3. § 14.

37. When landholders are thus confined, report is to be made by the Collectors to the Board, and by the Board to Government. *Beng.* 1794 *R.* 3. § 14.

38. A landholder, resisting or causing to be resisted the Ameen deputed to attach his lands for arrears of revenue, is liable to the same penalty as for resisting the Collector's process. *Beng.* 1794 *R.* 3. § 10.

39. Landholders in Benares, who have conformed to the terms of the settlement of 1197, shall hold their lands at the fixed Jumma for ever. *Ben.* 1795 *R.* 1. § 3. *C.* 1. A. D. 1795

40. Zemindars, dispossessed before the 1st July 1775, may be restored on the death of the farmer, or on the lease becoming otherwise void. *Ben.* 1795 *R.* 1. § 3. *C.* 5.

A. D. 1795 41. And the lands of ſuch Zemindars are not liable to ſale for revenue arrears until their reſtitution. *Ben.* 1795 *R.* 27. § 8.

42. Landholders, who have had poſſeſſion ſince that date, but were excluded at the formation of the pemanent ſettlement, may be reſtored on proving ſuch poſſeſſion in the Dewannee Adaulut, and indemnifying the farmer for the loſs which the Court ſhall determine to have been proved by him. *Ben.* 1795 *R.* 1. § 3. *C.* 6.

43. Nor are their lands liable to ſale for arrears accrued during their diſpoſſeſſion. *Ben.* 1795 *R.* 27. § 5. *C.* 5.

44. Thoſe, whoſe eſtates are farmed, may be reſtored in caſe of the farmer's defaulting, on their paying his balance, or finding ſecurity to pay it in the next year. *Ben.* 1795 *R.* 6. § 18. *C.* 1. *Ced. Prov.* 1803 *R.* 27. § 18. *C.* 1.

45. Landholders, paying through an Amil, may become Huzooree on proving againſt him any oppreſſion. *Ben.* 1795 *R.* 2. § 19. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 11.

46. And all landholders, except in thoſe places of which the Raja holds the Amildaree, have an option of becoming Huzooree on entering into the preſcribed ſecurities. *Ben.* 1795 *R.* 2. § 24.

47. When the ſettlement is made with the actual proprietor of lands in Benares, the lands are reſponſible for the revenue; but ſecurity is alſo to be taken. *Ben.* 1795 *R.* 5. § 31.

48. When the ſettlement is concluded, they ſhall receive the eſtabliſhed Pottah ſigned by the Collector and ſigned and ſealed by the Raja. *Ben.* 1795 *R.* 5 § 33.

A. D. 1799 49. Landholders are liable to the penalties of Section 10, Regulation 45 of 1793, for not attending, nor cauſing the attendance of the Putwaries, on the Ameen, with the accounts; and to the penalties of Section 62, Regulation 8 of 1793, for any fabrication or alteration in ſuch accounts. *Beng.* 1799 *R.* 7. § 29. *C.* 1. ext. *Ben.* 1800 *R.* 5. § 26.

50. Landholders, refuſing or neglecting to furniſh the Collectors with required accounts, when their eſtates are attached for revenue arrears, may be fined by the Board with the ſanction of Government, and may be impriſoned by order of Government if they perſiſt in the refuſal. *Beng.* 1799 *R.* 7. § 23. *C.* 4. *Ben.* 1800 *R.* 5. § 25. *Ced. Prov.* 1803 *R.* 27. § 15. *C.* 4.

51. Defaulting landholders are reſtricted from purchaſing, directly or indirectly, their own lands ſold for recovery of revenue under penalty of forfeiture to Government. *Beng.* 1799 *R.* 7. § 29. *C.* 4. ext. *Ben.* 1800 *R.* 5. § 26. *Ced Prov.* 1803 *R.* 26. § 10.

52.

52. Perſonal property of landholders in Benares may be diſtrained by the Collector, A. D. 1800
inſtead of confining them and attaching their eſtates, and alſo notwithſtanding the confinement and attachment, if the arrear be not otherwiſe diſcharged. *Ben.* 1800 *R.* 5. § 22. *Ced. Prov.* 1803 *R.* 27. § 14. *C.* 2.

53. If defaulting landholders, whoſe eſtates are attached, do not comply with the A. D. 1801
Collector's requiſition of papers, accounts, &c. Government will order an immediate ſale of their lands. *Beng. Ben.* 1801 *R.* 1. § 3.

54. And the ſale of the whole eſtate, if they withhold the accounts neceſſary for bringing a portion to ſale; but Government will, in lieu thereof, impoſe a fine if the accounts be produced before the day of ſale. *Beng. Ben.* 1801 *R.* 1. § 5. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 2.

55. Perſonal property of ſmall landholders in Bengal, Behar and Oriſſa, may be diſtrained by order of the Board, inſtead of attaching their eſtate; but no ſuch diſtreſs ſhall take place without the expreſs ſanction of the Board in each particular caſe. *Beng.* 1801 *R.* 1. § 4.

56. Landholders may be cauſed by the Collectors to attend perſonally when indiſpenſably neceſſary; but perſonal attendance ſhall not be enforced when the attendance of an agent would be ſufficient, under penalty of damages on ſuit in the Civil Court, for infringing this rule. *Beng. Ben.* 1801 *R.* 1. § 10. *Ced. Prov.* 1803 *R.* 27. § 51.

57. If the Collector judge it inexpedient to form the ſettlement with a Zemindar, A. D. 1803
he ſhall ſend to the Board of Revenue his proceedings with the Zemindar's anſwer to the objections. *Ced. Prov.* 1803 *R.* 27. § 53. *C.* 4. *Conq. Prov.* 1805 *R.* 9. § 18.

58. Sections 23 to 25, Regulation 8 of 1793, for the election of a manager by joint A. D. 1805
proprietors in a landed eſtate, are reſcinded; and they ſhall be left to manage their eſtates without interference of the Board or Collectors. *Beng.* 1805 *R.* 17. § 2.

59. Recourſe may be had to the ſale of the ſeparate property of ſuch joint proprietors and to the confinement of their perſons. *Beng.* 1805 *R.* 17. § 3.

III. *MISCELLANEOUS RULES.*

1. Landholders, not attending when required by the Board of Revenue, may be fin- A. D. 1793
ed; but perſonal attendance is not to be required when the buſineſs can be tranſacted by a Vakeel. *Beng.* 1793 *R.* 2 § 33. ext. *Ben.* 1795 *R.* 5. § 29.

2. The Dewans of the Collectors are not to lend money to landholders; and ſuch loans are not recoverable in the Civil Courts. *Beng.* 1793 *R.* 2. § 19. *Ben.* 1795 *R.* 5. § 19. *Ced. Prov.* 1803 *R.* 25 § 18.

3.

A. D. 1793

3. Nor ſuch loans made by civil ſervants in judicial or revenue offices. *Beng.* 1793 *R.* 38. § 2. *Ben.* 1795 *R.* 48. § 2. *Ced. Prov.* 1803 *R.* 19. § 2.

4. Landed property may be ſold in execution of a decree. *Beng.* 1793 *R.* 4. § 7. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 9.

5. The expenſes of reducing rebellious Zemindars are to be reimburſed by the offenders. *Beng.* 1793 *R.* 2. § 48.

6. Decrees againſt landholders, in a Provincial Court of Appeal, for money, are to be enforced in the ſame manner with ſimilar decrees in Zilla Courts. *Beng.* 1793 *R.* 5. § 27. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 27.

7. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 21. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 21.

8. Landholders may be ſelected for arbitrators in cauſes referred by the Courts. *Beng.* 1793 *R.* 16. § 3. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 3.

9. And may be Commiſſioners for the trial of civil ſuits not exceeding fifty Rupees. *Beng.* 1793 *R.* 40. § 5. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 5.

10. Landholders are to keep the publication for regiſtering rent-free lands affixed one whole year in their Cucherry. *Beng.* 1793 *R.* 19. § 25. *Ben.* 1795 *R.* 41. § 25. *Ced. Prov.* 1803 *R.* 31. § 20.

11. Landholders may be ſued for damages in the Civil Court, if they obſtruct the manufacture of ſalt. *Beng.* 1793 *R.* 29. § 16.

12. Or the proviſion of the inveſtment. *Beng.* 1793 *R.* 31. § 6. *Ced. Prov.* 1803 *R.* 37 § 6. ext. *Ben.* 1805 *R.* 4. § 2.

13. They are not to behave with diſreſpect to the Agents; and they are to afford every aſſiſtance in the manufacture of ſalt. *Beng.* 1793 *R.* 29. § 17.

14. And in the proviſion of the inveſtment. *Beng.* 1793 *R.* 31. § 7. *Ced. Prov.* 1803 *R.* 37. § 7. ext. *Ben.* 1805 *R.* 4. § 2.

Modified 1801 R. 6 § 7

15. They are liable to a penalty of 25 per cent on the value of all illegal ſalt made or imported in their eſtates with their connivance, and are to give immediate notice to the Magiſtrate or Salt Agent of any illegal ſalt. *Beng.* 1793 *R.* 30. § 7.

Re-enacted 1799 R. 6 § 17

16. And, permitting the ſale of contraband opium in their eſtates, are liable to a penalty of ten Rupees per Seer. *Beng.* 1793 *R.* 32. § 5. *Ben.* 1795 *R.* 32. § 4. *Ced. Prov.* 1803 *R.* 41. § 10.

17.

17. Landholders, whose estates are ordered for sale in execution, shall, on the Collector's requisition, attend the Ameen, or send an Agent, with all papers and accounts; and on refusal or omission may be fined daily by the Board till compliance. *Beng.* 1793 *R.* 45. § 10. *Ben.* 1795 *R.* 20. § 10. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

18. Also for not causing the attendance of Putwarees with their accounts. *Beng.* 1793 *R.* 45. § 11. *Ben.* 1795 *R.* 20. § 11. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

19. Landholders, resisting the Ameen, are to be proceeded against, as for resisting the Collector's process. *Beng.* 1793 *R.* 45. § 9. *Ben.* 1795 *R.* 20. § 9. *Ced. Prov.* 1803 *R.* 26. § 23.

20. Omitting to furnish required information for the quinquennial register of Malguzaree estates, they may be fined by Government on report of the Collector through the Board. *Beng.* 1793 *R.* 48. § 25. *Ben.* 1795 *R.* 19. § 23. *Ced. Prov.* 1803 *R.* 42. § 25.

21. Proprietors of an estate ordered for division will be liable to daily fine until compliance, at the discretion of Government, for omitting to produce required accounts. *Beng.* 1793 *R.* 25. § 16. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 45.

22. And for not causing the attendance of the Putwarees. *Beng.* 1793 *R.* 25. § 17. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 46.

23. Landholders are not to collect any taxes or duties. *Beng.* 1793 *R.* 27. § 2. *C.* 1.

24. Under penalty of heavy damages and costs recoverable by suit in the Civil Courts. *Beng.* 1793 *R.* 27. § 2. *C.* 12.

25. Landholders, collecting any abolished Sayer, are to forfeit treble the amount. *Ben.* 1795 *R.* 4. § 6. A. D. 1799.

26. And not removing, on the Collector's requisition, a Chokee established for such collection, shall be prosecuted by the Collector. *Ben.* 1795 *R.* 4. § 10.

27. They are liable to the penalty of ten Rupees per Seer on contraband opium sold in their estates with their connivance or knowledge. *Beng. Ben.* 1799 *R.* 6. § 17. *Ced. Prov.* 1803 *R.* 41. § 10. A. D. 1799.

28. Landholders are liable to like penalties for non compliance with the Collector's requisition of information for the Pergunna registers, as for the quinquennial registers. *Beng. Ben.* 1800 *R.* 8. § 7. *Ced. Prov.* 1803 *R.* 42. § 36. A. D. 1800.

A. D. 1800 29. Wilfully omitting a new village in the ſtatements which they may furniſh to the Collector, they ſhall forfeit the village. *Beng. Ben.* 1800 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 42. § 40.

30. And may be fined by Government for omitting to notify, or for miſrepreſenting, their acquiſition of, or ſucceſſion to, an eſtate. *Beng. Ben.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42. § 41.

A. D. 1801 31. Landholders in the management of their eſtates ſhall pay a penalty of 5000 Rupees for any private ſalt works on their eſtates. *Beng.* 1801 *R.* 6. § 7. *C.* 1.

32. And landholders, whoſe eſtates are farmed or held Khas, ſhall pay the ſame penalty, if they knew and did not give information of ſuch ſalt works on their eſtates. *Beng.* 1801 *R.* 6. § 7. *C.* 2.

A. D. 1803 33. Landholders are liable to the ſame penalty with the cultivators, for all land illegally cultivated for poppy, on their eſtates, with their knowledge or connivance. *Ced. Prov.* 1803 *R.* 41. § 4.

34. And may attach any crop of poppies illegally cultivated on their eſtates, giving notice thereof, if they be not themſelves local chief officers of Police, to the neareſt Police officer. *Ced Prov.* 1803 *R.* 41. § 7.

A. D. 1806 35. The Committee of embankments are veſted with a control over the embankments repaired by the Zemindars and farmers; and may, by Perwana or through the Collector, call upon any Zemindar or farmer to make repairs deemed neceſſary. In the event of his neglecting to do ſo, the repairs ſhall be made by the officers of Government; and the expenſe, when ſanctioned by the Governor General in Council, ſhall be recovered from the Zemindar or farmer. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 11.

36. On receiving orders from the Collector, the landholders are to provide the requiſite ſupplies &c. for the paſſage of troops. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 13. *C.* 1.

37. The Commanding Officer ſhall grant a certificate to the landholder &c. who may provide boats or bridges, ſpecifying the number of boats and boatmen, the burthen of each boat, the length of time employed, the dimenſions of each bridge, and the materials whereof it may be compoſed. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 4. *C.* 1.

38. Such certificate, with a detail of the expenſe, ſhall be tranſmitted to the Collector, who ſhall communicate the particulars to the Commanding Officer, for his certificate whether the ſervices therein charged were performed. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 4. *C.* 2.

39. On the return of the account, the Collector shall transmit it with the vouchers for the final orders of the Governor General in Council; and, in the mean time, the Collector may pay the whole or any reasonable proportion of the charge. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 4. *C.* 3.

40. Any landholder &c. deeming himself entitled to compensation for any injury sustained from the troops, shall furnish an accurate account thereof to the Commanding Officer, who shall certify thereon whether the damage has been sustained, with his opinion respecting the justice of the claim. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 5. *C.* 1.

41. No claim to compensation shall be received after the expiration of ten days, unless on good reason for the delay; nor without the Commanding Officer's certificate, except on sufficient cause for not obtaining it; and in the latter case the Collector shall transmit the petition and statement to the Commanding Officer and wait his reply, previous to determining on the admissibility of the claim. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 5. *C.* 2.

41. Copies of translations of this Regulation shall be sent by the Collectors, to the landholders for publication. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 11.

IV. *DUTIES TOWARDS THE TENANTS.*

1. Landholders, who shall have engaged for the revenues with Government, shall make a settlement for the same period with their dependant Talookdars, delivering a record of it in three months to the Collector. *Beng.* 1793 *R.* 8. § 48. A. D. 1793.

2. And the settlement of their other lands in any manner they choose, consistent with the prescribed restrictions. *Beng.* 1793 *R.* 8. § 52. *Ced. Prov.* 1803 *R.* 30. § 2.

3. They shall revise, with the tenants, the Abwab and Mut'hot'h, and consolidate the whole by the end of 1198. *Beng.* 1793 *R.* 8. § 54.

4. And shall prepare a form of Pottah for the Rayats; and, after obtaining the Collector's approbation, register it in the Dewannee Adaulut, and deposite a copy in each Cucherry of the estate. *Beng.* 1793 *R.* 8. § 58. *Ben.* 1795 *R.* 51. § 8.

5. And shall deliver to the tenants such Pottahs. *Beng.* 1793 *R.* 8. § 59. *Ced. Prov.* 1803 *R.* 27. § 53. *C.* 11. *Cang. Prov.* 1805 *R.* 9. § 14. *Cuttack* 1805 *R.* 12. § 4. *C.* 13.

6. Landholders are allowed till the end of the year 1198 for the delivery of Pottahs. *Beng.* 1793 *R.* 8. § 61. *Ben.* (till the end of 1204) 1795 *R.* 51. § 6. *Ced. Prov.* (till

the

A. D. 1793 the end of 1215) 1803 R. 30. § 4. *Conq. Prov.* (till three years from the conclusion of a settlement) 1805 R. 8. § 20. C. 2. *Cuttack* (till the end of 1215) 1805 R. 12. § 7.

7. Landholders, exacting more than their right from a dependant Talookdar, are to pay double the amount. *Beng.* 1793 R. 8. § 51. C. 2. *Ced. Prov.* 1803 R. 47. § 6. C. 2.

8. From under farmers, are to repay it with double penalty. *Beng.* 1793 R. 8. § 52. *Ced. Prov.* 1803 R. 30. § 2.

9. Imposing any new Abwab on the Rayats, are to pay three times the amount. *Beng.* 1793 R. 8. § 55. *Ced. Prov.* 1803 R. 30. § 5.

10. Refusing Pottahs to the Rayats, are to be fined. *Beng.* 1793 R. 8. § 59. *Ced. Prov.* 1803 R. 30. § 11.

11. Refusing receipts for a payment of revenue, are to pay damages to twice the amount. *Beng.* 1793 R. 8. § 63. C. 1. *Ben.* 1795 R. 2. § 14. C. 5.

12. Not adjusting the instalments according to the time of reaping the crops, may be sued for damages. *Beng.* 1793 R. 8. § 64.

13. Are to give an Amilnama to all persons employed by them in the management and collection of the rents. *Beng.* 1793 R. 8 § 53. *Ced. Prov.* 1803 R. 30. § 3.

14. Are to appoint a Putwaree for every village in the estate, registering the list in the Zilla Court and Collector's Cucherry, and affixing it in the Pergunna Cucherry, and notifying all vacancies and appointments quarterly to the Court and Collectors. *Beng.* 1793 R. 8. § 62. C. 2. *Ben.* 1795 R. 27. § 9. C. 2. *Ced. Prov.* 1803 R. 29. § 2. C. 1.

15. May petition the Court, if the Collector summon Putwarees in any except authorized cases. *Beng.* 1793 R. 8. § 62. C. 4. *Ben.* 1795 R. 27. § 9. C. 4. *Ced. Prov.* 1803 R. 29. § 2. C. 3.

16. If proved to have connived at the fabrication of Putwaree's accounts are to be fined by the Courts. *Beng.* 1793 R. 8. § 62. C. 8. *Ben.* 1795 R. 27. § 9. C. 8. *Ced. Prov.* 1803 R. 29. § 2. C. 7.

17. Also if they neglect to appoint Putwarees. *Beng.* 1793 R. 8. § 62. C. 9. *Ben.* 1795 R. 27. § 9. C. 9. *Ced. Prov.* 1803 R. 29. § 2. C. 8.

18. All engagements between landholders or their tenants shall be in the legal currency; and landholders shall not be entitled to recover any arrear of engagements which specify

specify any other species of Rupees. *Beng.* 1793 *R.* 35. § 21. *Ced. Prov.* 1803 *R.* 45. § 26. A. D. [illegible]

19. All restrictions on landholders by their Kabooliats, not repealed by any Regulation, are in force. *Beng.* 1793 *R.* 8. § 67. *C.* 1.

20. Landholders in Bengal are to have no concern in the payment of pensions &c. unless they should be specially entrusted with the disbursement. *Beng.* 1793 *R.* 8. § 74. *C.*

21. Nor in Midnapoor. *Beng.* 1793 *R.* 8. § 97.

22. Landholders, confining their tenants &c. or inflicting corporal punishment on them to enforce payment of the rents, are liable to damages and costs, on suit in the Civil Courts. *Beng* 1793 *R.* 17 § 28. *Ben* 1795 *R.* 45. § 26. *Ced. Prov.* 1803 *R.* 28. § 26.

23. Exacting from opium Rayats more than the established rates of rent, they may be sued for damages. *Beng.* 1793 *R.* 32. § 2. *C.* 24. Re enacted 1799 R. 6 § 12

24. They shall be deemed to have complied with the rules requiring a tender of Pottahs to the tenants, if they fix up, in their principal Cucherry, a notification that Pottahs are ready for delivery. *Beng.* 1794 *R.* 4. § 5. *Ben.* 1795 *R.* 51. § 7. A. D. 1794

25. Landholders in Benares are to give Pottahs to the tenants in the prescribed form, or such other form as the Collector, with the sanction of Government, shall approve. *Ben.* 1795 *R.* 51. § 7. A. D. 1795

26. Landholders, exacting more than the established rates of rents from the opium tenants, may be sued by the Agent or the tenants. *Beng. Ben.* 1799 *R.* 6. § 12. A. D. 1799

27. They, and their Agents, are liable to damages for exceeding their just powers, or infringing the established rights of the tenants. *Beng.* 1799 *R.* 7. § 15. *C.* 7. *Ben. Beng.* 1800 *R.* 5. § 14. *C.* 7. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 7.

28. They may summon and compel attendance of the tenants for every just purpose, without application to a Court of Justice; but are liable to damages for abuse of this power: persons, opposing them in the due exercise of it, are also liable to a suit for damages, and to a criminal prosecution for breach of the peace. 1799 *R* 7. § 15. *C.* 8. *Ben.* 1800 *R.* 5. § 14. *C.* 8. *Ced. Prov* 1803 *R.* 28. § 32. *C.* 8.

29. And such persons are liable to suit for any loss which the landholders may sustain by their wantonly causing the Zemindarce officers to be summoned to the Civil

A. D. 1799 or Criminal Courts. 1799 *R.* 7. § 12. *Ben.* 1800 *R.* 5. § 12. *Ced. Prov.* 1803 *R.* 28. § 38.

30. Dependant Talookdars shall register in the Sudder Cucherry of the Zemindarree to which they belong, all transfers of, and successions to, such Talooks or portions thereof, and all divisions of such Talooks; and shall obtain the previous written consent of the Zemindar for the distribution of the Jumma on such a division; otherwise the whole Talook will remain responsible to the Zemindars landholders are to deliver to the Collectors, annually or when required, a record of the engagements with the dependant Talookdars including any alterations thus registered. *Beng.* 1799 *R* 7. § 15. *C.* 8.

31. The proprietors of small estates, who superintend their own lands and cannot afford the expense of Putwarees, are not required to appoint them; but such proprietors must, in such case, themselves produce all required accounts. *Beng.* 1799 *R.* 7. § 23. *C.* 4. *Ben* 1800 *R.* 5. § 25. *Ced. Prov.* 1803 *R.* 29. § 4.

32. Landholders may proceed by the same summary process, as for recovery of rents, against their native Agents, for the recovery of money and accounts in their hands. *Beng.* 1799 *R.* 7. § 20. *Ben.* 1800 *R.* 5. § 17. *Ced. Prov.* 1803 *R.* 28 § 35.

A. D. 1801 33. All native Agents of a landholder are liable to the same rules and penalties with Putwarees: landholders are prohibited, under such penalty as the court may fix, from again employing an Agent convicted of falsifying accounts. *Beng. Ben.* 1801 *R.* 1 § 8. *Ced. Prov.* 1803 *R.* 29 § 3. *C.* 2.

V. *POLICE DUTIES AND SUBORDINATION TO CIVIL AND CRIMINAL COURTS.*

A. D. 1793 Modified 1799 R. 9 § 3 1. Landholders are to forfeit their estates for resisting the process of a Zilla Court, unless Government in four weeks commute it to a fine. *Beng.* 1793 *R.* 4 § 22. ext *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23.

ditto 2. Or for resisting the process of the Provincial Appeal Courts. *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23. *C.* 1.

ditto 3. Or of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5 § 24.

4. And of the Collectors. *Beng.* 1793 *R.* 14. § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 27. § 23.

5. Government may confer the rights of the offender on his heirs, or may order the lands to be sold at public sale, for resistance to Zilla Courts. *Beng.* 1793 *R.* 4. § 23. *Ben.* 1795 *R.* 8. § 6. *C.* 2. *Ced. Prov.* 1803 *R.* 3. § 24.

6.

6. To the Provincial Appeal Courts. *Beng.* 1793 *R.* 5. § 24. *Ben.* 1795 *R.* 9. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 4. § 24.

7. To the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 25. *Ben.* 1795 *R.* 10. § 7. *Ced. Prov.* 1803 *R.* 5 § 25.

8. And to the Collectors. *Beng.* 1793 *R.* 14. § 18. *Ben.* 1795 *R.* 6. § 25 *Ced. Prov.* 1803 *R.* 27. § 25.

9. Landholders, interfering in judicial matters, are to be fined, and to pay damages to the injured party. *Beng.* 1793 *R.* 8. § 66.

10. Landholders paying more than 10,000 Rupees annual revenue, and Malguzaree Aymadars paying more than 500 Rupees annual quit rent, may be fined by the Magistrate as far as 200 Rupees, in charges punishable by the Magistrate. *Beng.* 1793 *R.* 9. § 8. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 8.

11. And for litigious complaints on such charges. *Beng.* 1793 *R.* 9 § 10. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 10.

12. If a landholder be committed for trial before the Court of Circuit, the Magistrate shall notify it to the Collector. *Beng.* 1793 *R.* 9. § 18. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1 *Ced. Prov.* 1803 *R.* 6. § 18.

13. Landholders, formerly bound to keep up Police establishments, are to discharge them and keep none in future. *Beng.* 1793 *R.* 22 § 2. Modified 1803 R. 18 § 3.

14. And are not to be responsible for robberies unless on proof of connivance, or of refusal to assist the officers of Government; in which case they will be prosecuted before the Court of Circuit, and their lands and effects may be sold by order of Government. *Beng.* 1793 *R.* 22. § 3.

15. They are to be answerable for the transmission and delivery of letters of Police officers and Magistrates, from village to village, when situated out of the post route. *Beng.* 1793 *R.* 22. § 15.

16. And are to give every assistance in the pursuit of offenders flying from one jurisdiction into another. *Beng.* 1793 *R.* 22. § 16. *Ben.* 1795 *R.* 17. § 15. *Ced. Prov.* 1803 *R.* 35. § 16.

17. They are to report to the Police Daroghas the names of the village watchmen appointed to fill vacancies. *Beng.* 1793 *R.* 22. § 13. *Ben.* 1795 *R.* 17. § 13. *Ced. Prov.* 1803 *R.* 35. § 13.

18.

A. D. 1793

18. And are, on requisition of the Magistrate, to dismiss such watchmen if guilty of neglect of duty. *Beng.* 1793 *R.* 22. § 14. *Ben* 1795 *R.* 17. § 14. *Ced. Prov.* 1803 *R.* 35. § 14.

19. A landholder, allowing a prohibited boat to be built or repaired, shall forfeit the village in which it is built or repaired. *Beng.* 1793 *R.* 22. § 20. *C.* 3.

A. D. 1795

20. Landholders, resisting process of a Tehsildar, may, if they attend on summons of the Collector, be confined by the Collector not more than ten days, or made to give security. *Ben.* 1795 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

21. Resisting process of the Benares City Court, are liable to the rules of Regulation 4 of 1793 for resisting process of Zilla Courts. *Ben.* 1795 *R.* 8. § 8.

22. Landholders in the jurisdiction of Benares City Court are liable to the penalties of Regulation 5 of 1793, for resisting process of the Provincial Court of Appeal. *Ben.* 1795 *R.* 9. § 7.

23. And to the penalties of Regulation 6 of 1793, for resisting process of the Sudder Dewannee Adaulut. *Ben.* 1795 *R.* 10. § 5.

24. Landholders are liable for robberies or thefts in their estates; but not for a night robbery in roads and woods, unless they had such knowledge as might have enabled them to prevent it; nor for thefts or robberies in inhabited places unless committed with their connivance or through their want of vigilance. *Ben.* 1795 *R.* 17 § 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 1.

A. D. 1796
Modified
1801 *R.* 9 § 5

25. A landholder, resisting or causing to be resisted the process of a Magistrate or Police officer, shall on conviction be adjudged by the Magistrate to have forfeited his land. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 2 *Ced. Prov.* 1804 *R.* 3 § 2 *C.* 2.

26. Commutable for a fine by the Nizamut Adaulut, or subject to the final decision of the Governor General in Council if the Nizamut Adaulut confirm the forfeiture. *Beng. Ben.* 1796 *R.* 11. § 3. *Ced. Prov.* 1804 *R* 3. § 3.

27. If a landholder abscond from a process on a criminal charge, his land shall be attached by precept of the Magistrate to the Collector. *Beng. Ben.* 1796 *R.* 11. § 4. *C.* 2. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 2.

28. When the absentee appears, the attachment shall be withdrawn by similar precept, and a fair account rendered. *Beng. Ben.* 1796 *R.* 11. § 5. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 4.

29. But if he appear not in six months, Government will, on report of the Magistrates give orders respecting the future disposal of the land. *Beng. Ben.* 1796 *R.* 11. § 6. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 5.

30. Landholders in Benares are required to give their utmost vigilance to prevent all breaches of the peace and to apprehend all persons guilty of a breach of the peace. *Ben.* 1797 *R.* 2. § 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 2. A. D. 1[illegible]

31. Convicted of wilful neglect in Police matters, are liable to forfeiture of estate or to fine according to the circumstances of the case. *Ben.* 1797 *R.* 2. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 3.

32. Subject to the final judgment of the Governor General in Council in sentence of forfeiture. *Ben.* 1797 *R.* 2. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 2. *C.* 5.

33. Landholders, resisting processes of the Civil Courts of Cities Dacca, Moorshedabad and Patna, are liable to the forfeiture of Section 22, Regulation 4 of 1793, for resistance to Zilla Courts; but, if they possess no land within the Court's jurisdiction, are to be fined under Section 25. *Beng.* 1799 *R.* 9. § 2. A. D. 1[illegible]

34. Resistance to process of Zilla or City Courts by landholders may be originally punished by fine instead of forfeiture, if the Court should deem it an adequate punishment. *Beng. Ben.* 1799 *R.* 9. § 3. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 2.

35. Resistance to authority of the Criminal Courts may be punished under Section 8, Regulation 9 of 1793, if the Magistrates deem it a sufficient punishment instead of forfeiture. *Beng. Ben.* 1801 *R.* 9. § 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 5. A. D. 1[illegible]

36. The Police Regulations, as far as they relate to Tehsildars, are equally applicable to landholders whose estates are Huzooree, such landhulders being bound to maintain the peace in their respective estates. *Ced. Prov.* 1803 *R.* 35. § 26. A. D. 1803

37. Landholders in Cuttack are not exonerated from the duties and responsibility imposed on them by their tenures, for the maintenance of the peace in their limits, but shall continue to perform the same duties subject to responsibility as heretofore. *Beng.* 1804 *R.* 4. § 6. A. D. 1804

38. And in the Provinces ceded by Dowlut Row Sindia and in Bundelkhund. *Ced. Prov.* 1804 *R.* 9. § 9.

39. Landholders in Cuttack, not divested of the charge of the Police, shall continue in charge subject to the former responsibility; the principal landholders as Daroghas of Police, and the inferior landholders as subordinate officers of Police. *Beng.* 1805 *R.* 13. § 4. *C.* 2. A. D. 1805

A. D. 1805

40. And such, as are divested, are not exempt from the duty of affording every assistance in preventing breaches of the peace and in apprehending offenders. *Beng.* 1805 *R.* 13. § 8.

41. Landholders, suspected of conniving at any public offence, are liable to prosecution in the Criminal Courts. *Beng.* 1805 *R.* 13. § 9.

42. The prohibition of Section 2, Regulation 22 of 1793, against entertaining Police establishments, does not extend to landholders whom the Governor General in Council may authorize to entertain such an establishment. *Beng.* 1805 *R.* 18. § 5.

43. Zemindars, entrusted with the Police, shall receive Sunnuds from the Magistrate under the authority of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 1.

44. And shall not be deprived except for misconduct proved to the satisfaction of the Governor General in Council, for whose final determination the Magistrate shall report through the Nizamut Adaulut when of opinion that there are grounds for depriving a Zemindar. *Beng.* 1805 *R.* 18. § 7. *C.* 2.

45. They shall keep such an establishment of watchmen as may be fixed by the Magistrate with the approbation of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 3.

46. Furnishing a list of the persons employed, with a statement of their allowances in land or money, and reporting to the Magistrate all appointments on vacancy by death or removal. *Beng.* 1805 *R.* 18. § 7. *C.* 4.

47. Such Zemindars shall be furnished with copies of all Regulations for the conduct of Police Daroghas, and are required to observe the rules contained in them. *Beng.* 1805 *R.* 18. § 7. *C.* 7.

48. They shall send to the Magistrate, or to the nearest Police Darogha, or the nearest Military Officer acting in support of the Police, all persons charged with any heinous crime, within twenty-four hours after apprehension. *Beng.* 1805 *R.* 18. § 7. *C.* 8.

49. And shall take security from prosecutors and witnesses to appear before the Magistrate on a certain day. *Beng.* 1805 *R.* 18. § 7. *C.* 9.

50. They may take Razeenamas in complaints for petty assaults or abusive language, if delivered in twenty-four hours. *Beng.* 1805 *R.* 18. § 7. *C.* 10.

51. They shall apprehend Choours and other plunderers committing a breach of the peace within their limits, or passing through them after the commission of such an

offence

offence; and, without a written charge, all persons committing any heinous crime, or found with the stolen goods, or on a hue and cry, and notorious robbers or thieves and suspicious vagrants. *Beng.* 1805 *R.* 18. § 7. *C.* 11.

52. No Zemindar shall summon the Rayats of another Zemindar. *Beng.* 1805 *R.* 18. § 7. *C.* 12.

53. The Police officers of one Zemindar are not subject to the orders of another; but where necessary, or called upon by the Magistrate, or by an officer authorized by the Magistrate, they are jointly to use their endeavours to pursue and apprehend all Chooars and other disturbers of the peace. *Beng.* 1805 *R.* 18. § 7. *C.* 13.

54. No Zemindar shall send his Police officers within the limits of another, except on an application from him, or an express order from the Magistrate, or from an officer authorized by the Magistrate; the Zemindars are to use their utmost endeavours to apprehend Chooars &c assembled in their limits, or passing through for the purpose of plundering, or after the commission of depredations; and, should assistance be necessary for their apprehension, shall send information to any Military Officer in the vicinity, or to the nearest Police station, and to the Magistrate. *Beng.* 1805 *R.* 18. § 7. *C.* 14.

55. Any Zemindar, convicted of connivance at depredations or of wilful neglect in the prevention of them, will be liable to fine and imprisonment, and, in heinous cases, to forfeiture of his lands. *Beng.* 1803 *R.* 18. § 7. *C.* 15.

56. The Magistrate, when of opinion that such a charge is proved, shall record his judgment and the punishment deemed adequate, transmitting his proceedings to the Nizamut Adaulut for the sentence of that Court, and, in cases of forfeiture, for the ultimate determination of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 16.

57. Zemindars, deemed by the Magistrate guilty of being concerned in robbery, or of having aided robbers, or received plundered property, shall be prosecuted before the Court of Circuit; and, if convicted, their lands shall be liable to confiscation, or to be sold for making good the value of the property, at the discretion of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 17.

58. On receiving their Sunnuds, they shall enter into engagements to be responsible for all property robbed or stolen within their estates, unless on clear proof that the robbery or theft was not owing to want of care in them or their officers, and may be sued in the Civil Court for the recovery. *Beng.* 1805 *R.* 18. § 7. *C.* 18.

A. D. 1805. 59. They are to transmit regular information to the Magistrate of all occurrences relating to Police, and send monthly reports according to the form prescribed by the Magistrate. *Beng.* 1805 *R.* 18. § 7. *C.* 19.

60. All reports of Zemindars, and all orders of the Magistrate to them, shall be in the language and character used in their Zemindarees. *Beng.* 1805 *R.* 18. § 7. *C.* 20.

61. Where a Police Darogha is appointed, the Zemindar shall aid him in preserving the peace. *Beng.* 1805 *R.* 18. § 7. *C.* 6.

LAND REVENUE.

I. GENERAL RULES.

A. D. 1793 1. Every rule or order of Government regarding the collection of the public revenue assessed upon the lands, is to be framed into a Regulation, printed and published. *Beng.* 1793 *R.* 41. § 2. ext. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1. § 2.

2. The collection of the revenue payable to Government from the landed estates in each Zilla is to be committed to a civil covenanted servant of the Company. *Beng.* 1793 *R.* 2. § 3. *Ben.* 1795 *R.* 5. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 2.

3. And the superintendence of the settlement and collection of the revenue from the lands is vested in the Board of Revenue. *Beng.* 1793 *R.* 2 § 29. *Ben.* 1795 *R.* 5 § 27. *Ced. Prov.* 1803 *R.* 25. § 28.

4. The Collectors in the several Zillas are to collect the amount of the fixed revenue assessed upon the lands for which a settlement has been or may be concluded with the proprietors. *Beng.* 1793 *R.* 2. § 8. *C.* 1. *Ben.* 1795 *R.* 5. § 7. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 1.

5. To collect the stipulated revenue from the farmers of estates let in farm. *Beng.* 1793 *R.* 2. § 8. *C.* 2. *Ben.* 1795 *R.* 5. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 2.

6. To levy the rents and revenues from estates held Khas. *Beng.* 1793 *R.* 2. § 8. *C.* 3. *Ben.* 1795 *R.* 5. § 7. *C.* 3. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 3.

7. To make the future settlement of Khas or farmed estates. *Beng.* 1793 *R.* 2. § 8. *C.* 4. *Ben.* 1795 *R.* 5. § 7. *C.* 4. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 4.

8. To apportion the public revenue on land, paying revenue to Government, which may be divided into two or more distinct estates. *Beng.* 1793 *R.* 2. § 8. *C.* 8. *Ben.* 1795 *R.* 7 § 7. *C.* 8. *Ced. Prov.* 1803 *R.* 25. § 7. *R.* 8.

9. And on such land when disposed of at public sale. *Beng.* 1793 *R.* 2. § 8. *C.* 9. *Ben.* 1795 *R.* 5. § 7. *C.* 9. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 9.

10. To prosecute for the recovery of the dues of Government from land held exempt from the payment of revenue on invalid tenures. *Beng.* 1793 *R.* 2. § 8. *C.* 5. *Ben.* 1795 *R.* 5. § 7. *C.* 5. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 5.

11. The settlement of the lands is to be made by the Collector under the Regulations and the instructions of the Board; but, if the Board should deem a deputation of a Member or any other person necessary, they are to propose the measure to Government with the reasons for recommending it. *Beng.* 1793 *R.* 2. § 39. *Ben.* 1795 *R.* 5. § 32.

12. The Board may issue orders for making the settlement of Khas or farmed lands in conformity to the Regulations and to any special instructions of the Governor General in Council. *Beng.* 1793 *R.* 2. § 36. *Ben.* 1795 *R.* 5. 30.

13. The collection of the revenues is committed to the Collector, but the Board is to see that they are punctually realized or that satisfactory reasons are assigned for any delay or deficiency. *Beng.* 1793 *R.* 2. § 41. *Ben.* 1795 *R.* 5. § 34.

14. The Board shall n[illegible] any remission of Jumma without the sanction of Government. 1793 *R.* 2 [illegible]

15. Whenever an [illegible]cement of Jumma appears to the Board necessary, the amount of the abatement and the Jumma proposed shall be specified in the letter to Government. 1793 *R.* 2. § 60.

16. The assessment, when agreed to by the proprietors of estates farmed or held Khas, on their restoration to the management of their lands, shall be unalterable for ever. *Beng.* 1793 *R.* 1. § 5. *Ben.* 1795 *R.* 27. § 2. *Ced. Prov.* 1803 *R.* 25. § 33. *Conq. Prov.* 1805 *R.* 9. § 23.

17. If estates belonging to Government be transferred to individuals, the assessment, at which they may be transferred, shall remain fixed for ever. *Beng.* 1793 *R.* 1. § 6. *Ben.* 1795 *R.* 27. § 3.

18. No claim for suspensions or remissions on account of calamity of season will be attended to; but, for all arrears of revenue, the defaulter's land or a portion will be invariably sold. *Beng.* 1793 *R.* 1. § 7.

19. Except the lands of disqualified landholders, for arrears which have accrued during their disqualification. *Beng.* 1793 *R.* 1. § 8. *C.* 5. *Ced. Prov.* 1803 *R.* 52. § 6.

A. D. 1795

20. No objection to the discharge of the fixed assessment shall be made in consequence of any rules which Government may make in behalf of the tenants. *Beng.* 1793 *R.* 1. § 8. *C.* 1. *Ben.* 1795 *R.* 27. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 1. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 1.

21. The whole estate will continue liable for the public assessment in case of a division, until each sharer be put into separate possession of his share. *Beng.* 1793 *R.* 25 § 28. ext. *Ben.* 1795 *R.* 26 § 2 *Ced. Prov.* 1803 *R.* 26. § 58.

22. No remission shall be claimed by landholders in consequence of not participating in any Sayer collections, should Government again establish the Sayer. *Beng.* 1793 *R.* 1. § 8. *C.* 2. *Ben.* 1795 *R.* 27. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 2. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 2.

23. The assessment, imposed by Government on rent-free lands held by invalid titles, will belong exclusively to Government. *Beng.* 1793 *R.* 1 § 8 *C.* 3 *Ben.* 1795 *R.* 27. § 5. *C.* 3. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 3. *Conq. Prov.* 1803 *R* 9 § 25. *C.* 3.

24. Except land, not exceeding 100 Begas in any one grant, made previous to the 1st December 1790, which shall belong to the landholder. *Beng* 1793 *R.* 19. § 6. *Ben.* (land not exceeding fifty Begas made previous to 1196) 1795 *R* 41 § 6.

25. And similar grants not registered within one year. *Beng.* 1793 *R.* 19. § 26. *Ben.* 1795 *R.* 41. § 26.

26. And grants, whether more or less than 100 Begas, made since the 1st December 1790, except by the Governor General in Council. *Beng.* 1793 *R.* 19. § 10. *Ben.* (grants made since 1198) 1795 *R.* 41. § 10.

27. Allowances, or produce of land, formerly appropriated to Police establishments, may be resumed by Government, but will be collected separately and appropriated to the same purposes, and not added to the jumma of the landholders. *Beng.* 1793 *R.* 1. § 8. *C.* 4. *Ben.* 1795 *R.* 27. § 5. *C.* 4. *Ced. Prov* 1803 *R.* 25. § 35. *C.* 4. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 4.

28. Private transfers of portions, and private divisions, of estates, are to be notified to the Collector for his apportioning of the assessment; if not notified, the whole estate will be held responsible: creation of a dependant Talook at a fixed Jumma shall not affect the rights of Government or the responsibility of the whole estate; nor will the Jumma, stipulated between the landholder and new Talookdar, be entered on the records of Government. *Beng.* 1793 *R.* 1. § 10. *Ben.* 1795 *R.* 27. § 7. *Ced. Prov.* 1803 *R.* 25. § 37. *Conq. Prov.* 1805 *R.* 9. § 27.

29.

29. If an entire estate be sold in lots at public sale for arrears, or in execution of a decree, the assessment of each lot shall bear the same proportion to its actual produce as the assessment of the whole bears to the actual produce of the whole, which shall be ascertained according to the Regulations; and the assessment fixed for each lot or portion will remain fixed for ever. *Beng.* 1793 *R.* 1. § 10. *C.* 1. *Ben.* 1795 *R.* 27. § 7. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 37. *C.* 1. *Conq. Prov.* 1805 *R.* 9. § 27. *C.* 1.

30. The same if a portion of an estate be sold in one or more lots. *Beng.* 1793 *R.* 1. § 10. *C.* 2. *Ben.* 1795 *R.* 27. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 37. *C.* 2. *Conq. Prov.* 1805 *R.* 9. § 27. *C.* 2.

31. Or if an estate be privately transferred by sale or gift in portions, or a portion of an estate be transferred. *Beng.* 1793 *R.* 1. § 10. *C.* 3. *Ben.* 1795 *R.* 27. § 7. *C.* 3. *Ced. Prov.* 1803 *R.* 23. § 37. *C.* 3. *Conq. Prov.* 1805 *R.* 9. § 27. *C.* 3.

32. Or when a joint estate may be divided. *Beng.* 1793 *R.* 1. § 10. *C.* 4. *Ben.* 1795 *R.* 27. § 7. *C.* 4. *Ced. Prov.* 1803 *R.* 25. § 37. *C.* 4. *Conq. Prov.* 1805 *R.* 9. § 27. *C.* 4.

33. If an estate held Khas be publicly sold, it will be sold at such assessment as Government may deem equitable; if an estate let in farm be sold, the purchaser will receive Malikana during the lease, and must afterwards pay such assessment as Government may deem equitable. *Beng.* 1793 *R.* 1. § 11. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 1. *Conq. Prov.* 1805 *R.* 9. § 28. *C.* 1.

34. If an estate held Khas or let in farm be privately transferred, the purchaser will receive Malikana until restored. *Beng.* 1793 *R.* 1. § 11. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 2. *Conq. Prov.* 1805 *R.* 9. § 28. *C.* 2.

35. And if an estate held Khas or let in farm be divided, each sharer will similarly receive Malikana. *Beng.* 1793 *R.* 1. § 11. *C.* 3. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 3. *Conq. Prov.* 1805 *R.* 9 § 28. *C.* 3.

36. No transfer, mortgage or private assignment shall affect the right of Government to hold all land liable in the first instance for the public revenue. *Beng.* 1799 *R.* 7. § 29. *C.* 5. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 25. § 36. *R.* 26. § 11. *Conq. Prov.* 1805 *R.* 9. § 26. A. D. 1799

II. *BENGAL, BEHAR AND ORISSA.*

1. With whom the Settlement shall be made.

1. The settlement is to be made with the actual proprietors of the soil. 1793 *R.* 8. § 4. A. D. 1793

2.

Modified 1796 R 7 § 8.

2. Except proprietors disqualified by sex, minority, natural infirmity, contumacy, and profligacy. 1793 *R.* 8. § 20.

3. Their lands are to be managed by persons appointed by Government under the rules of Regulation 10. 1793 *R.* 8. § 21.

4. And except landholders unable to pay their arrears, whose lands shall, in the discretion of the Collector, be farmed or held Khas for three years. 1793 *R.* 8. § 22.

5. And except the proprietors in the salt districts which are to be held Khas. 1793 *R.* 8. § 100.

6. Proprietors of the soil are Zemindars, Talookdars or Choudries. 1793 *R.* 8. § 4.

7. For ascertaining what Talookdars are actual proprietors of the soil, the Collectors are merely to decide by inspection of the title deeds, or by other proofs and documents, if there be no deed, whether the tenure be such as is described in Sections 5 and 9. 1793 *R.* 8. § 11.

8. Parties, dissatisfied with the Collector's decision, may sue in the Civil Court to prove their rights. 1793 *R.* 8 § 12.

9. The revenue of the independent Talooks is not to be paid through the Zemindars. 1793 *R.* 8. § 1[illegible]

10. But at th[illegible] Treasury or through Tehsildars. 1793 *R.* 8. § 14.

11. The Teh[illegible] to be officers of Government; Zemindars shall not be appointed Tehsildars for the separated Talooks. 1793 *R.* 8. § 15.

12. Mokururee leases to persons not proprietors of the soil, if confirmed by Government or made previous to the Company's Dewannee, are to continue during the lessee's life. 1793 *R.* 8. § 16.

13. Subject to the pleasure of the Court of Directors. 1793 *R.* 8. § 17.

14. If since the Dewannee or not confirmed by Government, they are to be dispossessed; but such as have had possession above twelve years shall receive during life the difference between their former rent and the assessment which the proprietors may now engage for, subject to the pleasure of the Court of Directors. 1793 *R.* 8. § 18.

15. And such, as hold grants from the proprietor of the soil, shall be considered as Pottah Talookdars. 1793 *R.* 8. § 19.

16.

16. The acceptance or refusal of the Jumma assessed on a joint estate, is to be determined by the majority of votes of proprietors present; but any sharers, dissatisfied, may obtain a division of the estate at their own expense. 1793 R. 8. § 26.

17. If the sharers have separate possession of their shares, they are to make a separate settlement. 1793 R. 8. § 27.

18. In cases of mortgage, the settlement is to be made with the party in possession, but transferrible to the other party on future adjudication. 1793 R. 8. § 28.

19. And in cases where the property in the land is disputed. 1793 R. 8. § 30.

20. But, if neither claimant have possession, the parties shall elect a manager; or, in default thereof, the land shall be held Khas, and the surplus produce kept in deposit till the decision of the suit. 1793 R. 8. § 31.

21. Where boundaries are disputed, the settlement is to be made for the lands in possession of each party till the Civil Court decide the dispute. 1793 R. 8. § 32.

22. Where the proprietor cannot be ascertained or is absent, an advertisement shall be made for him; and, if he do not attend in six months, the estate is to be farmed for ten years. 1793 R. 8. § 29.

23. If a landholder decline to engage on the Jumma proposed by the Collector, his objections shall be reported to the Board; and, when the Jumma is finally fixed by the Board, if he give his refusal in writing, the estate shall be farmed or held Khas in the discretion of the Board. 1793 R. 8. § 43.

24. Such landholders shall receive ten per cent Malikana on the Sudder Jumma, if farmed, and on the neat collections if held Khas. 1793 R. 8. § 44.

25. Government will consider cases where more may be deemed requisite. 1793 R. 8. § 77.

26. The Malikana of landholders declining the assessment is to be paid from the Collector's treasury, if the land be held Khas. 1793 R. 8. § 47.

27. And the Collector is to enforce payment of it from the farmer, if the estate be farmed. 1793 R. 8. § 46.

28. The lands of actual proprietors are to be deemed sufficient security for the public revenue; but farmers are invariably to give security. 1793 R. 2. § 37.

29. Landholders or farmers, on making their settlement, are to receive the Bundobustee Perwanna from the Board of Revenue without waiting the sanction of Government. 1793 R. 2. § 40.

30. Where an estate devolves to two or more heirs, if they choose to divide it, a joint property, a manager shall be appointed under Section 23 &c. Regulation 8, and if they choose to divide it, the assessment on each share shall be allotted conformably with Sections 10 and 11, Regulation 1. 1793 R. 11. § 4.

31. The settlement of resumed rent-free lands not Badshahee is to be made with the grantees, who are to be considered as the proprietors until ousted by a decree of a Civil Court. 1793 R. 19. § 4.

32. The settlement of resumed Badshahee grants is to be made in perpetuity with the proprietor of the soil; but, if he refuse to pay the Jumma demanded, shall be held Khas or let in farm. 1793 R. 37. § 6.

33. All disputes respecting the proprietary right are to be decided in the Civil Courts. 1793 R. 19. § 4. R. 37. § 4.

34. The revenue on resumed rent-free land not Badshahee, exceeding 100 Begas in any one grant, made previous to the 1st December 1790, belongs to Government; and such land when assessed shall be considered as an independent Talook. 1793 R. 19 § 7.

35. And, if the proprietor agree to the Jumma required of him, it will remain fixed for ever; but, if he refuse to pay it, the land shall be held Khas or let in farm. 1793 R. 19. § 8. C. 2 & 3.

36. The revenue on such resumed land not exceeding 100 Begas in one grant, belongs to the person responsible for the rents of the estate, but without subjecting him to any increase of assessment. 1793 R. 19. § 6.

37. And such land, when assessed, shall be considered as a dependant Talook. 1793 R. 19. § 9.

38. The revenue of resumed Badshahee grants belongs to Government. 1793 R. 37. § 6.

39. The Collector, if the land exceed 100 Begas (and the person entitled to the rents, if it do not exceed 100 Begas,) may assess all such grants not registered within one year from a publication to be made, nor subsequently admitted on the registers by orders of Government. 1793 R. 19. § 26.

40. The Collector may assess all Badshahee grants not so registered. 1793 R. 37. § 21.

41. And the person entitled to the rents may dispossess the grantee of every rent-free grant made since 1st December 1790 by any other authority than the Governor General.

[illegible] subject to the [illegible] of assessment. 1793 R. [illegible] § [illegible]

42. No Collector shall give land in farm to an European nor accept the security of an European for a farmer. 1793 R. 2. § 17.

43. Nor the Board of Revenue, without the previous sanction of the Governor General in Council. 1793 R. 2. § 46.

44. And Europeans, who make loans on the mortgage of land, shall not be permitted to hold possession of the land nor to have any concern in the management or collection of the rents. 1793 R. 38. § 4.

45. Estates, held Khas, shall be restored to the proprietors on their agreeing to the assessment required; which shall be unalterable for ever: but, if farmed, shall not be restored till the expiration of the lease, unless on surrender of the lease by the farmer with the sanction of Government. 1793 R. 1. § 5.

46. Talookdars, not separated at the decennial settlement, shall not be separated, although entitled to it, unless they apply in one year from this date (1801): not applying, they will after such lapse be considered as dependant Talookdars. Talooks, created since the decennial settlement, are not entitled to separation under Regulation 8 of 1793; but will be considered as part of the original estate, and liable with the rest to sale for revenue due from any part of it, until divided from it under Regulation 25 of 1793. 1801 R. 1. § 14. A. D. 1801

47. Sections 23 to 25, Regulation 8 of 1793, are rescinded. 1805 R. 17. § 2. A. D. 1805

2. Terms of the Sudder Settlement.

1. The code of 23d November 1791 for the decennial settlement of Bengal, Behar and Orissa, is enacted into a Regulation with modifications. 1793 R. 8. § 1. A. D. 1793

2. Mokururee grants to persons not proprietors of the soil, if granted or confirmed by Government, or previous to the Company's Dewannee, are to continue in force during the lives of the lessees, subject to an abatement of the fixed Jumma for resumed or abolished Sayer. 1793 R. 8. § 16.

3. And Mokururee grants to the proprietor of the soil, made or confirmed by Government, are to continue in force subject to the same abatement. 1793 R. 8. § 17.

4. Allowances to Cazees and Canongoes, and all public pensions formerly paid by the landholders, are to be added to the Jumma and paid in future by the Collectors. 1793 R. 8. § 34.

5.

A. D. 1799 5. Unless the payment of them should be entrusted to the landholders in Bengal by order of Government. 1793 R. 8. § 74.

6. Or in Midnapoor. 1793 R. 8. § 97.

7. The assessment is to be fixed exclusive of Sayer duties. 1793 R. 8. § 35.

8. Except such as are confirmed to the proprietors. 1793 R. 27. § 2. C. 8.

9. And exclusive of all rent-free lands whether held with or without due authority. 1793 R. 8. § 36.

10. But Malikana, Nankar, Khomar, Neezjote, and other private lands of the Zemindars, are not included in this exception. 1793 R. 8. § 37.

11. Nor the Chakeran lands, which are to be annexed to the Malguzaree lands and held responsible for the revenue. 1793 R. 8. § 41.

12. Sayer compensations are to be made by an abatement of Jumma. 1793 R. 27. § 6. C. 2.

13. In the estates for which the proprietors have entered into engagements. 1793 R. 27. § 7. C. 2.

14. And in the estates of disqualified proprietors. 1793 R. 27. § 8.

15. Malikana lands in Behar are to be re annexed to the estate, unless they be held under grants of Government and have been sold or mortgaged, and are in possession of the mortgagee; and unless the Collectors should see any material injury to an individual therefrom, in which case they shall report it to the Board. 1793 R. 8. § 38.

16. Nankar, Khomar, and Neezjote lands in Bengal and Orissa are also to be annexed; but proprietors, declining the assessment, may retain possession, if the Board be satisfied of their right to retain it; and the produce of such lands shall be deducted from their allowance of Malikana. 1793 R. 8. § 39.

17. This consolidation of the private lands is to take place also in the dependant Talooks. 1793 R. 8. § 40.

18. Chakeran lands are to be annexed to Malguzaree lands and held equally responsible for the public revenue with the Malguzaree lands. 1793 R. 8. § 41.

19. All engagements for the Jumma are to be in Sicca Rupees, with a clause to pay Siccas, or the species collected at the Bazar rate of Batta until a sufficient number of Siccas can be circulated; and such rates are to be inserted by the Collector in his treasury account. 1793 R. 8. § 42.

20.

20. Farmers are to engage to pay the Malikana in addition to the Jumma monthly, according to the Sudder Kistbundee, except where otherwise stipulated. 1793 R. 8. § 45.

21. The rules for the settlement may be modified as necessary, according to the circumstances of each district, by the Collectors, reporting all modifications deemed necessary, but without exercising any judicial authority. 1793 R. 8. § 67. C. 5.

22. And where, from want of information, a settlement cannot be made for ten years, it is to be made for one year. 1793 R. 8 § 67. C. 6.

23. All the restrictions on landholders in their Kabooliuts, not repealed by a Regulation, are in force. 1793 R 8. § 67. C. 1.

24. But the rules, declaring them responsible for the peace of their districts, are superseded. 1793 R. 8. § 67. C. 4.

25. And all bonâ fide transfers of their estates, subsequent to 8th June 1787, are valid without the sanction of the Revenue Board; and they have been at liberty from 29th October 1790 to borrow money without such sanction. 1793 R. 8. § 67. C. 2.

26. And all tranfers of their estate by sale, gift or otherwise, without the sanction of Government, are valid if conformable to the law of the party's religion and not repugnant to any Regulation. 1793 R. 1. § 9.

27. The preceding year's Jumma, compared with the information obtained and the recommendation of the Board, is to be the standard for the settlement in Bengal. 1793 R. 8. § 68.

28 But if more information be deemed necessary by the Board, and can be procured without a Hustabood or measurement, the settlement of particular districts may be postponed. 1793 R. 8 § 69.

29. No abatement is to be allowed from the preceding year's Jumma without the sanction of Government. 1793 R. 8. § 70.

30. Occasional diminutions for casualties of season are to be provided for by a Russud not to extend beyond the third year, except in petty Mehals where it may be thought expedient by the Board to extend it further. 1793 R. 8. § 71.

31. The settlement is to be clear of all charges of Moshahira, Amla, Poolbundee, Cuchery, and other similar charges, which are to be defrayed by the Landholders. 1793 R. 8. § 72.

A. D. 1793.

32. The Collectors are to ascertain whether these charges were heretofore defrayed by Government or by the landholders. 1793 *R.* 8. § 78.

33. And the landholders shall receive a deduction in their Jumma, if such charges were formerly defrayed by Government; but not if formerly defrayed by themselves. 1793 *R.* 8. § 79.

34. All separate allowances for the families of landholders are to be abolished, where possible. 1793 *R.* 8. § 73.

35. The provision for such persons of the families, as are entitled thereto, is to be made out of the Malikana. 1793 *R.* 8. § 44.

36. In separated Talooks, whose Jumma is clearly below the Pergunna rates, and in all lands where the actual produce has been ascertained, the assessment is to be made so as to leave 10 per cent to the proprietor including his private lands. 1793 *R.* 8. § 75.

37. But Government will take into consideration any case where a larger provision shall be deemed necessary. 1793 *R.* 8. § 77.

38. When the Jumma is fixed on ascertained gross assets, all Mofussil charges are to be considered in calculating the proper assessment. 1793 *R.* 8. § 80.

39. All lands, which have been held at a fixed Jumma during twelve years, are to continue at the same, subject to a deduction for resumed and abolished Sayer. 1793 *R.* 8. § 76.

40. The average product of three or four common years, deducting Malikana and Khurcha, is to be the basis of the settlement in Behar: in cases of great uncertainty, the lands may be measured on a report to the Board showing the clearest necessity. 1793 *R.* 8. § 83.

41. No abatement is to be allowed from the preceding year's Jumma without the sanction of Government. 1793 *R.* 8. § 85.

42. The Jumma is to be fixed by the Collector on his own judgment, or on proposals from the proprietors, with the reserve of the Board's approbation. 1793 *R.* 8. § 82.

43. All lands, which have been held at a fixed Jumma during twelve years, are to continue at the same, subject to a deduction for resumed Sayer. 1793 *R.* 8. § 84.

44. The Sudder Kistbundee is to be so regulated as to afford convenience to the landholders, with due regard to the security of Government. 1793 *R.* 8. § 86.

45. In Midnapoor alterations may be made in the Jumma of 1196, if found to be necessary. 1793 R. 8. § 88.

46. For which purpose the Collector shall compare the Wasilat and Akhrajat, and ascertain those instances in which the landholders may have been obliged to sell their lands and effects to make good their stipulations. 1793 R. 8. § 89.

47. Landholders, delaying to produce the accounts required, may be fined by the Collector, reporting it to the Board. 1793 R. 8. § 90.

48. In cases of great uncertainty, lands may be measured, and other local investigations may be held. 1793 R. 8. § 91.

49. Remissions on the Jumma of 1196, where necessary, may be granted, subject to the approbation of Government. 1793 R. 8. § 92.

50. The allowances for casual deficiency is to be reduced to three per cent on the Jumma. 1793 R. 8. § 93.

51. And for religious establishments, is to be reduced as much as possible. 1793 R. 8. § 94.

52. The charge of purchasing provisions for the Midnapoor battalion is to be discontinued. 1793 R. 8. § 95.

53. Occasional diminution is to be provided for, by a Russud of three years, unless a longer Russud be necessary in petty Mehals. 1793 R. 8. § 98.

54. The settlement is to be made free from all charges of Moshahira, Amla, Poolbundee, &c. which are to be defrayed by the proprietor. 1793 R. 8. § 96.

55. Every circumstance, influencing the Regulation of the Jumma in Bengal, is to be minutely recorded. 1793 R. 8. § 81.

56. And in Behar. 1793 R. 8. § 87.

57. And in Midnapoor. 1793 R. 8. § 99.

3. Rules incident to the Settlement.

1. The assessment of the decennial settlement was declared unalterable for ever, if such continuance were approved by the Court of Directors. 1793 R. 1. § 2. R. 8. § 3. A. D. 1793

2. Who have empowered the Governor General in Council to declare such continuance. 1793 R. 1. § 3.

A. D. 1793. 3. All landholders and their heirs will therefore be allowed to hold their estates for ever at the assessment which they have engaged to pay. 1793 *R.* 1. § 4.

4. The assessment on estates of disqualified proprietors is to be fixed in like manner as that of other lands. 1793 *R.* 10. § 12. *C.* 1.

5. Sayer compensations to them are to be made by an abatement of the whole amount of the former Sayer collections from the full Jumma; or by a deduction of 10 per cent, if the Jumma shall have been formed on the assets of the land only. 1793 *R.* 27. § 8.

6. The assessment on Badshahee grants made since 12th August 1765, when resumed, expired or escheated, is to be according to Regulation 8: if the proprietor decline the assessment, the land shall be farmed or held Khas; or, if he agree to the assessment, it shall remain fixed for ever. 1793 *R.* 37. § 6.

7. And on such grants not registered within one year from a publication to be made, and not subsequently admitted on the register by order of Government. 1793 *R.* 37. § 21.

8. The revenue of resumed land is to be payable from the date of the first decree adjudging it liable to revenue. 1793 *R.* 19. § 19. *R.* 37. § 14.

9. When rent-free grants not Badshahee, made previous to 1178-9, are resumed for Government, the assessment is to be half of the produce according to the Pergunna rate, and to include a Ruffud for the waste lands, to be approved by the Board and by Government: the produce is to be ascertained by a measurement at the joint expense of Government and of the proprietor, if he agree to the Jumma required; or by such mode as the Collector and Board may deem advisable: if the proprietor decline the assessment, the land shall be farmed or held Khas; if he agree to the assessment, it shall remain fixed for ever. 1793 *R.* 19. § 8. *C.* 2.

10. When rent-free grants, made since 1178-9, are resumed, the assessment is to be adjusted according to Regulation 8, conformably to the above rule. 1793 *R.* 19. § 8. *C.* 3.

11. The Collector is similarly to assess all such grants not registered within a year from the publication, and not subsequently admitted on the register by orders of Government. 1793 *R.* 19. § 26.

12. The revenue on each share of a joint estate, when it is divided, shall be assessed according to Regulation 1. 1793 *R.* [illegible] § 8.

13.

13. If any error be discovered in the assessment of the shares within three years, the Government may order a new allotment. 1793 R. 25. § 25.

14. The Board may make such alteration in the allotment of the public revenue on each share of a divided estate, as may appear proper; reporting their determination to Government. 1793 R. 25. § 19. Regulation 1801 R. 1. C. 2.

15. The whole of a joint estate is to be held answerable for the public revenue until the division be finally adjusted, and each sharer be put into distinct possession of his share. 1793 R. 25. § 28.

16. The revenue on a portion of an estate sold in execution, is to be assessed according to Section 10, Regulation 1. 1793 R. 45. § 4.

17. Where lands are sold in lots, due regard must be paid to the rules of Section 10, Regulation 1, and Section 8, Regulation 25 of 1793, in assessing them. 1796 R. 5. § 3. A. D. 1796

18. Government does not guarantee the truth of the accounts on which the assessment is allotted on lands sold: if a purchaser at public sale shall within one year prove to the satisfaction of Government, that the accounts used in allotting the Jumma were false, a new allotment will be ordered. Collectors, on receiving such claims, shall make full inquiry, and report to the Board; who, if satisfied of the justice of the claim, shall submit it to Government; and, if not, shall reject it: and the claimant may appeal to Government. No such claims will be received for past sales, if not preferred in one year from this date; except in cases of manifest fraud and error. No addition shall be made to a purchaser's Jumma, unless he consent to it for the purpose of rectifying mistakes rather than relinquish his purchase. 1799 R. 7. § 29. C. 2. A. D. 1799

19. By the annual produce, on which, by Section 10, Regulation 1 of 1793, the assessment upon any portion of land sold is to be allotted, is meant the neat rents after deducting the charges of collections: when Putwaree accounts are deemed inaccurate, or proved to be fabricated, or may not be forthcoming, and the Collector may have obtained satisfactory accounts by other means, he shall estimate the assessment thereon; but this allotment of Jumma is in no instance to be final without the sanction of the Board. 1801 R. 1. § 8. A. D. 1801

20. New allotments of assessment in divided Mehals, under Section 25, Regulation 25 of 1793, are not to be final till sanctioned by the Board; and, in case of a reduction therein, not till sanctioned by Government. 1801 R. 1. § 12.

21. The Board may make necessary alterations in the assessment, allotted by the Collectors on the shares of a divided estate. 1801 R. 1. § 13. C. 4.

A. D. 1801 22. And need not report them to Government, except in case of a reduction in the fixed assessment. 1801 *R.* 1. § 13. *C.* 5.

4. Rules for the Moorussil Settlement.

A. D. 1793 1. A settlement for ten years is to be made by the landholders with the dependant Talookdars; and a record of it, specifying their names, Talooks and Jumma, is to be delivered to the Collector in three months. 1793 *R.* 8. § 48.

2. The Jumma of a Talook shall not be fixed for a period exceeding ten years; nor shall any settlement, for a period not exceeding ten years, be renewed except in the last year: all engagements contrary hereto are void. 1793 *R.* 44. § 2.

3. Except Talookdars within the description of Section 51, Regulation 8. 1793 *R.* 44. § 7.

4. Landholders are not prohibited from selling, giving or disposing of any part of their lands as a dependant Talook 1793 *R.* 44. § 6.

5. But the Jumma, stipulated between the parties, will not be entered on the public record; and such lands will be liable with the rest of the estate for the revenue of the whole. 1793 *R.* 1. § 10.

6. Malguzaree and private lands are to be consolidated in the dependant Talooks, but not for the purpose of increasing the rents of the Talooks. 1793 *R.* 8. § 40.

7. Mokururedars, who have paid a fixed rent during twelve years, are not liable to enhancement of their rent, either by the proprietor or by the officers of Government; nor those who have not paid a fixed rent so long, to enhancement by the proprietor, if the deed shall preclude an increase. 1793 *R.* 8. § 49.

8. But these latter are liable to enhancement, if the estate be farmed or held Khas. 1793 *R.* 8. § 50.

9. Dependant Talooks are not to be subjected to an enhanced rent, unless proved to be liable by the custom of the district, the conditions of the tenure, or by having received abatements. 1793 *R.* 8. § 51. *C.* 1.

10. Zemindars, exacting more than their right from a Talook, shall forfeit twice the amount and costs of suit. 1793 *R.* 8. § 51. *C.* 2.

11. The proprietor may let the other lands of his estate in what manner he may think proper, under the restrictions prescribed: but every engagement with under farmers shall be specific; and any thing received beyond it shall be repaid with double penalty. 1793 *R.* 8. § 52.

12.

12. But no lease shall be made for more than ten years; nor a lease for a term not exceeding ten years be renewed except in the last year, all leases contrary to or in evasion of this rule are void. 1793 *R.* 44. § 2.

13. Landholders, however, are not prohibited from granting leases for any term or in perpetuity to natives for the erection of houses and other buildings, or for gardens &c. 1793 *R.* 44. § 8.

14. They shall revise with their tenants the Abwab, Mut'hot'h, &c. and consolidate the whole by the end of 1198. 1793 *R.* 8. § 54.

15. Imposing any new Abwab, they shall pay a penalty of three times the amount. 1793 *R.* 8. § 55.

16. After the year 1198, all claims of rent on engagements which do not consolidate the Assul and Abwab, are to be nonsuited. 1793 *R.* 8. § 61.

17. Pottahs, if the parties mutually agree, are to be for a specific sum for a certain quantity of land; but, if the parties prefer rates variable according to the article cultivated, the Pottah shall specify the quantity of land, species of produce, rate and amount of rent, and term of lease, with a stipulation for the execution of new engagements if the species of produce be changed; and in such event new engagements shall be executed accordingly. 1793 *R.* 8. § 56.

18. The rent, by whatever rule or custom regulated, shall be specifically stated in the Pottah, which in every possible case shall contain the exact sum to be paid by the Rayats. 1793 *R.* 8. § 57. *C.* 1.

19. And if adjustable on a measurement after cultivation, or on survey of the crop, or payable in kind, the rate and terms of payment, and proportion of crop, with every other condition, shall be clearly specified. 1793 *R.* 8. § 57. *C.* 2.

20. And landholders shall prepare a form of Pottah for the Collector's approbation and register it in the Zilla Court. 1793 *R.* 8. § 58. Modified 1794 R. 4 § 6

21. And shall give or tender to the tenants such Pottahs under penalty of a fine in the Court's discretion. 1793 *R.* 8. § 59. ditto § 5

22. Farmers are not to grant Pottahs beyond their own lease without leave of the proprietor; nor Agents, without the authority of their principal. 1793 *R.* 8. § 59.

23. Leases, anterior to the decennial settlement, and not contrary to Regulations, are to remain in force except on proof of collusion, or unless granted without authority. 1793 *R.* 8. § 60. *C.* 1.

24.

A. D. 1793

24. The Pottahs of the Khodkasht Rayats are not to be cancelled except on proof of collusion, or in case of a general measurement of the Pergunna. 1793 *R.* 8. § 60. *C.* 2.

25. No persons contracting with, or employed by, landholders in the collection of their rents, shall take charge without a written Amilnama. 1793 *R.* 8. § 53.

26. Landholders, farmers and their Agents shall give the tenants a receipt for every payment of revenue, and a receipt in full on the complete discharge of it: a refusal to give receipts shall be punished in the Civil Court by damages equal to double the amount. 1793 *R.* 8. § 63. *C.* 1.

27. They shall not collect the rents of absconded Rayats from those who remain. 1793 *R.* 8. § 63. *C.* 2.

28. They shall adjust the instalments of the tenants according to the times of selling the crops, and may be sued for damages if they do not conform to this Regulation. 1793 *R.* 8. § 64.

29. They are not to contract any engagement contrary to the letter and meaning of the Regulation. 1793 *R.* 8. § 65.

30. All restrictions on landholders by their Kabooliuts, not repealed by any Regulation, are in force. 1793 *R.* 8. § 67. *C.* 1.

31. But the restrictions against attaching the crops of the tenants who have given security, is annulled. 1793 *R.* 8. § 67. *C.* 3.

32. The Rayats in the salt Mehals are to receive their Pottahs from the Collector. 1793 *R.* 8. § 101.

33. The revenue of resumed rent-free lands other then Badshahee, not exceeding 100 Begas in one grant, made previous to the 1st December 1790, is to belong to the person who is responsible for the revenues of the dependant Talook or estate in which the lands are situated, without subjecting him to any increased assessment; and if the estate be Khas, shall be collected by, and paid to, the person entitled to receive the rent, until a settlement be made; and such land, when assessed, will be considered as a dependant Talook. 1793 *R.* 19. § 6.

34. And the revenue of any such grant not registered within one year from a publication to be made, and not subsequently admitted on the register by order of the Governor General in Council. 1793 *R.* 29. § 26.

35.

35. Also of any rent-free grant, not Badshahee, made since the 1st December 1790, except by the Governor General in Council, whether exceeding or under 100 Begas. 1793 *R.* 19. § 10.

36. The revenue of resumed land is to be payable from the date of the first decree adjudging it liable to revenue. 1793 *R.* 19. § 19.

37. The assessment on resumed rent-free grants made previous to the 1st December 1790, lapsing to the landholder, is to be adjusted according to the same rules as in similar grants lapsing to Government, and shall be fixed by the Collector, (reporting it for the confirmation of the Board of Revenue, who may increase or reduce the amount;) on the accounts of the produce which are to be obtained by the landholder without any expense to the grantee: and, if the proprietor shall agree to pay the revenue required, it shall remain fixed for ever, to him and to his heirs, as a dependant Talook. 1793 *R.* 19. § 9.

38. Persons, holding land rent-free under grants made since 1st December 1790 by any authority except the Governor General in Council, are to be dispossessed, and the rents collected at the Pergunna rates. 1793 *R.* 19. § 10.

39. Landholders shall have no right to object to the discharge of their fixed revenue, in consequence of any Regulation which Government may enact for the protection of the dependant Talookdars, Rayats &c. 1793 *R.* 1. § 8. *C.* 1.

40. After the 10th April 1794, all engagements of landholders and farmers with the tenants &c. not in nineteen Sun Sicca Rupees, shall not be recoverable in the Civil Courts. 1793 *R.* 35. § 21.

41. Landholders, exacting more than the established rates of rent from opium Rayats, may be sued for damages in Civil Courts. 1793 *R.* 33. § 2. *C.* 24.

42. Leases, not repugnant to the Regulations, are not affected by the division of an estate. 1793 *R.* 44. § 3.

43. Nor by a private transfer or descent, or a public sale in execution of the estate. 1793 *R.* 44. § 4.

44. But in case of the estate being sold for recovery of arrears, all leases and Pottahs to farmers and Rayats, and all engagements with the dependant Talookdars, shall be void; and the purchaser may collect according to the rates of the Pergunna. 1793 *R.* 44. § 5.

Modified 1799 *R.* 7 § [illegible] *C.* 5 1801 *R.* 1 § [illegible]

45. Except leases to invalid Sepoys for their Jageers. 1793 *R.* 43. § 6.

Re-enacted 1804 *R.* 1 § [illegible]

A. D. 1803

46. And leases to natives for erecting houses and other buildings. 1793 *R.* 44. § 8.

47. And except the Talookdars not liable to enhancement of rent by Section 51, Regulation 8. 1793 *R.* 44. § 7.

Modified 1799 R. 7 § 3 C. 8

48. Leases and engagements, in estates under charge of Ameens for default of revenue, shall not be infringed by the Ameens; but where no engagements exist, the Ameen shall collect according to the Pergunna rules. 1793 *R.* 14. § 6.

49. Or for sale in execution. 1793 *R.* 45. § 7.

A. D. 1794

50. The delivery of Pottahs required by Regulation 8 of 1793, and the operation of Section 61 of the said Regulation, are postponed in Bhaugulpoor till Catic 1201. 1794 *R.* 2. § 2.

51. In Purnea till the end of 1200, and in Nuddea till the end of 1201. 1794 *R.* 4. § 4.

52. The rules for Pottahs are not applicable to the Behar portion of Zilla Ramghur. 1794 *R.* 4. § 2.

53. After the Collector's approbation to the form shall have been obtained, if the landholders &c. shall affix a notification in the principal Cucherries, that the Pottahs are ready for delivery, and stating when and where they may be obtained by application, such notification shall be deemed a legal tender of Pottahs. 1794 *R.* 4. § 5.

54. The Rayats are entitled to have their Pottahs renewed, whether expired or cancelled by Regulation 44 of 1793, at the established Pergunna rates. 1794 *R.* 4. § 7.

55. The approbation of the Collector only extends to the form of the Pottahs; any dispute regarding the rates shall be decided in the Zilla Court, according to the established Pergunna rates. 1794 *R.* 4. § 6.

A. D. 1796

56. The whole lease is cancelled though only part of the land be included in the sale for arrears. 1796 *R.* 3. § 3.

A. D. 1799

57. Dependant Talookdars shall register, in the Sudder Cucherry of the Zemindaree to which they belong, all transfers of, and successions to, such Talooks or portions thereof, and all divisions of such Talooks; and shall obtain the previous written consent of the Zemindar for the distribution of the Jumma on such a division; otherwise the whole Talook will remain responsible to the Zemindar. Landholders are to deliver annually, or when required, to the Collectors, a record of the engagements with the dependant Talookdars, including any alterations thus registered. *Beng.* 1799 *R.* 7. § 15. *C.* 8.

58.

58. Amens in charge of attached land are to collect the rents according to the Pergunna rates, notwithstanding engagements evidently collusive and contracted in contemplation of the attachment. 1799 *R.* 7. § 23. *C.* 3. A. D.

59. All disputes between a purchaser of lands at public sale and the under tenants are to be settled by due course of law, in like manner as they would have been between the under tenants and the former proprietor; but such purchaser may eject, without application to the Adaulut, the under tenants whose leases are cancelled, and who decline to renew them on such terms as he is authorized to require. 1799 *R.* 7 § 29. *C.* 5.

60. If an arrear of rent be not liquidated within the year, the defaulter, if an under farmer for the past year only, can have no claim to any further lease; and, though the lease may not have expired, the lessor has the option to annul it in consequence of his failure in the payment of the stipulated rent; or if the defaulter be a lease holder or tenant having a right of occupancy as long as the rent be paid, the landholder may oust the defaulter without application to the Adaulut. 1799 *R.* 7. § 15 *C.* 7.

61. The tenants may sue the landholders, &c. in the Civil Courts, and recover costs and damages, for any infringement of their rights either founded on Pottahs and other written engagements, or on prescription and established usage. 1799 *R.* 7. § 15. *C.* 7.

62. No claim of purchase or mortgage on crops shall bar the claim to rent for the ground on which the crops grew. 1799 *R.* 7. § 9.

63. Section 5, Regulation 44 of 1793, is not to annul or affect the leases of the Istumrardars described in Section 19, Regulation 8 of 1793, who, if they have held their tenures at a fixed rent during twelve years, are included in the exemption of Section 7, Regulation 44 of 1793. 1799 *R.* 7. § 29. *C.* 5.

64. Leases, unless collusive, if made previous to the attachment of the estate, shall not be cancelled till the end of the year, if the sale be made after the second month. 1801 *R.* 1. § 9. A. D. 1801

65. The leases of invalided Sepoys for their Jageers are not cancelled under Section 5, Regulation 44 of 1793, by a sale of the estate in which they are situated. 1804 *R.* 1. § 10. A. D. 1804

III. *BENARES.*

1. Terms of the Sudder Settlement.

1. The measures adopted, from the year 1195, regarding the settlement of the Benares revenue, are enacted into a Regulation. 1795 *R.* 2. § 1. A. D. 1795

A. D. 1794

2. The settlement made in 1195 with the Amils was for the Tushkees Jumma, including Nuzeranah and Government's Nisf bhuray, and Russoom Khuzanah, and exclusive of Mujrace, Maafee, Mamoolee and Kharij Jumma, with a penalty of three times the amount on all exactions beyond the Tushkees. 1795 *R.* 2. § 2.

3. Towards preventing all exactions, new Pottahs were issued to the Rayats specifying the length of the rod by which Betaye lands were to be measured, and the rate of division; but the practice of Agore Betaye or rent in kind was abolished; and it was ordered, that the money valuation of Government's share in the Betaye lands should be fixed and published by Government for each harvest in Magh and Jyet'h. 1795 *R.* 2. § 3. *C.* 1.

4. And specifying similarly the length of the rod in the Nukdee lands, with a consolidated ready money rent of Asul and such Abwab as existed in 1187; all since imposed being prohibited. 1795 *R.* 2. § 3. *C.* 2.

5. And the rent of waste land intended to be brought into cultivation was directed to be fixed at such rate as the Rayats might agree to pay without Abwab. 1795 *R.* 2. § 3. *C.* 2.

6. The Canongoes were ordered to co-operate in fixing the Jumma of the Nukdee lands and the proportion of assessment on Betaye lands, and in adjusting the rates and modes of both Nukdee and Betaye revenue to the standard rod of three Ilahee Dirrah. 1795 *R.* 2. § 4.

7. According to a prescribed rule of adjustment. 1795 *R.* 2. § 5.

8. Some Brahmens and Ateet'hs having threatened self murder if Agore Betaye was not adhered to with regard to them, the Amils were authorized to continue the practice till they should voluntarily consent to a money rent. 1795 *R.* 2. § 21.

9. The settlement of 1196 was made on estimates furnished by the Canongoes of the actual produce from the Asul and Abwab, as they stood in 1195, compared with the Dowls, or estimates of the Assets for 1196, deducting the Amil's Dehyek, or ten per cent commission, charges of management, Maafee, Mujraee, Canongoe's Nankar, and Amil's Nisf bhuray. 1795 *R.* 2. § 6.

10. And Government's Nisf bhuray, Nuzeranah and Russoom Khuzanah, were abolished. 1795 *R.* 2. § 7.

11. The Amil's Nisf bhuray and Russoom Canongo were subsequently abolished. 1795 *R.* 2. § 8. *C.* 1.

12.

12. Of this settlement, one third was made all leases for one year [illegible] Rases for five years; and a new form of Kaboolliut was taken from the Amils, [illegible] them to abide by all the stipulations therein contained, and not to demand any Abwab established since 1187, nor the Nisf Bhuray and Russoom Canongoes 1795 R. 2. § 8. C. 1

13. The Amils were directed, in forming their Mofussil settlement for the second year, to let the villages for the remaining four years, to the hereditary landholders where existing and willing to engage and to give security; and, where not, to farmers. 1795 R. 2. § 9 C. 2.

14. Except the Aymadars dispossessed during the Vizeer's administration. 1795 R. 2. § 9. C. 3.

15. And it was ordered, that a farmer, relinquishing his farm before the close of the year, should pay the whole of his Mofussil collections to his successor, or to the Amil, if his farm did not exceed 5000 Rupees, and should be allowed a commission of five per cent if it did. 1795 R. 2. § 8 C. 2.

16. Government, on the 17th June 1789, directed the introduction into Benares of a permanent system of settlement, as proposed in Behar, to be formed for a period of ten years. 1795 R. 2 § 10.

17. And a decennial settlement was ordered to be formed, agreeably to the resolution of 20th May and 18th September 1789, regarding the settlement of Behar. 1795 R. 2. § 11.

18. Except with the village Zemindars dispossessed previous to 1182, when the sovereignty of Benares was transferred to the Company. 1795 R. 2. § 12.

19. The quartennial Mofussil settlements were revised so as to regulate the allotment according to the ability of each village and Puttee or share of a village, with a gradual and moderate Russud where the proportion of waste lands was large, and inclusive of Abcaree, Ghurdewaree or Khergui, which were to be collected separately by the Amils. 1795 R. 2. § 13.

20. The collection called Khergui was subsequently abolished. 1795 R. 2. § 20.

21. The revised Pottahs of four years, and the Pottahs issued for ten years, bound the Pottahdars, whether village Zemindars or farmers, to the following stipulations. 1795 R. 2. § 14. C. 1.

22. 1st; All property, real and personal, of Pottahdars, may be sold for failure in their payments of revenue. 1795 R. 2. § 14. C. 2.

1795 23. 2d; If they make rent-free grants, the land will be forfeited and double assessment will be collected from the grantee during the time he may have had possession; but they must not attach, without the sanction of Government, any land held rent-free till 1195. 1795 *R.* 2. § 14. *C.* 3.

24. 3d; They are to collect from the Rayats according to the rules of 25th June and 1st July 1788. 1795 *R.* 2. § 14. *C.* 4.

25. 4th; If they do not give receipts to the Rayats, they are to forfeit double the amount of the payment. 1795 *R.* 2. § 14. *C.* 5.

26. 5th; They are to support the Canongoes in the full exercise of their functions. 1795 *R.* 2 § 14. *C.* 6.

27. 6th; Levying Sayerjehat &c. they are to forfeit three times the amount. 1795 *R.* 2. § 14. *C.* 7.

28. 7th; They are to make good the value of property robbed and stolen, if they do not recover it and secure the offenders. 1795 *R.* 2. § 14. *C.* 8.

29. 8th; They are to apprehend, and send for trial, all murderers &c. 1795 *R.* 2. § 14. *C.* 9.

30. 9th; They are obey all orders of Government under pain of forfeiting their property. 1795 *R.* 2. § 14. *C.* 10.

31. The following restrictions were laid on Amils as Tehsildars: that they should be responsible for the regular realizing of the revenue and abstain from levying any excess; that they should enforce the stipulations with the landholders and farmers, and cause them to issue Pottahs to the tenants, that they might lower when oppressive, but on no pretext enhance, the rates of 1187; that they should grant receipts for all payments of revenue on pain of a discretionary fine; that they should regulate by the custom of the Pergunna, and account to Government, for the Tulubana on defaulters; that they should refrain from collecting Sayer under penalty of three times the amount; and that they should be responsible for maintaining the peace, and for thefts and robberies, with a right to indemnification from the Zemindar or farmer. 1795 *R.* 2. § 15. *C.* 1.

32. They were further empowered to decide disputes between Zemindars &c. and tenants, concerning revenue, and to refer causes of a civil nature to arbitration by consent. 1795 *R.* 2. § 15. *C.* 2.

33. And were forbidden purchasing the lands of any person [illegible] such purchases being declared null, and redeemable by the proprietor [illegible] years on repayment of the purchase money with simple interest. 1795 *R.* 2. § [illegible] *C.* 3.

34. Where contests existed between the Puteedars or sharers in a village, or between different claimants to the same village, the settlement was made with the actual occupant, or with the person known to have had possession at any time since 1182, leaving the claimants to prove their right in the Adaulut. 1795 *R.* 2. § 16. *C.* 1.

35. And it was ordered, that, in case of any person getting a judgment for a village let in farm, he should repay to the displaced farmer Tuccavee actually advanced, with three per cent commission on the realized revenue. 1795 *R.* 2. § 16. *C.* 2.

36. Where a village belonged to many Puteedars, the Pottah was made in the name of one or more head men among the brethren, leaving the inferior Puteedars, if desirous of separation, to prosecute their claims in the Adaulut. 1795 *R.* 2 § 17. *C.* 1.

37. In Pergunna Kurindeh, the settlement was made with a manager nominated by a number of Zemindars engaging in a joint Kabooliut, and responsible for the manager. 1795 *R.* 2. § 17. *C.* 1.

38. In some Talookdaries, which have depending on them several village Zemindaries, the settlement was made with the Taloekdar, leaving him to assess the Zemindars according as local custom or the good will of the parties might direct. 1795 *R.* 2. § 17. *C.* 2.

39. In Pergunna Agoree Burhur, the settlement was made with the Talookdars and Zemindars and grantees and mortgagees, without any power in the Raja to alter or innovate. 1795 *R.* 2. § 17. *C.* 3.

40. In Pergunna Buleeah, the settlement was made with such descendants of the Raja as could make out pretensions to a permanent tenure; and, where no such pretensions were made out or preferred, with the Mokudums. 1795 *R.* 2. § 17. *C.* 4.

41. Talooka Mujhwa was let out in separate portions to the principal Talookdar and his relations, without power in the said Talookdar to alter or innovate. 1795 *R.* 2. § 17. *C.* 5.

42. In Pergunna Kuswar or Gungapoor, no Mofussil settlement was made for the Raja's part of it, nor for his family Jageers of Budhose and Kera Mungrore and Talooka Kerowna,

An D. 1795 Kerowna, which are left to the authority of the Raja himself in all matters relating to their revenue. 1795 *R.* 2. § 17. *C* 6.

43. And in Government's part of this Pergunna, Talooka Kurnadaree, though the settlement was concluded by Government, Pottahs were not granted to the parties; but it was stipulated that the Raja, who is their Tehsildar, should not dispossess any of them without the sanction of Government, and that their complaints might be heard in the usual tribunals. 1795 *R.* 2. § 17. *C.* 6.

44. No settlement was made for Pergunna Lukhnesur, the inhabitants of which were left to assess among themselves the fixed revenue of the Pergunna. 1795 *R.* 2. § 17. *C* 7.

45. The Peshkusheee tenures in Pergunna Juanpoor were continued by the permanent settlement. 1795 *R.* 2. § 17. *C.* 8.

46. The salt districts of Juanpoor were let in farm, either inclusive with, or separately from, the land revenue. 1795 *R.* 2. § 18.

47. That part of the district of Singroulee, which extends as far as the Belea rivulet, remained tributary to Benares; and that part, which lies beyond the Belea, pays tribute to the Raja of Burdee. 1795 *R.* 2. § 17. *C.* 9.

48. At the expiration of the quartennial settlement in 1200 a revision took place; adequate abatements were granted, where lands had been too highly assessed or had suffered from drought and calamity of season; heirs of deceased renters were admitted: renters, unduly dispossessed by the Amils, were re-instated; the ancient Zemindars were restored to lands relinquished by the farmers or held Amanee in consequence of their not appearing originally; and new permanent leases were granted. 1795 *R.* 2. § 22.

49. The newly restored Zemindars were continued under the Amils; but, in case of exactions by the Amil on a Pottahdar, the latter was to become Huzooree. 1795 *R.* 2. § 19.

50. Also in the Raja's Tehsildaree Mehals, and in all other Mehals under the Raja, in which the settlement had been made by Government. 1795 *R.* 2. § 24.

51. Pottahdars were to hold their lands on the fixed assessment during life. 1795 *R.* 2. § 20.

52. Amils were to be dismissed if they dispossessed a Pottahdar, and were to report the death of Pottahdars. 1795 *R.* 2. § 23.

53.

53. Pottahdars, on entering into prescribed securities, Mal-, Fael-, and Hazir-zaminee, might become Huzooree; and would be allowed half of the Tehsildar's commission, except in the Raja's family lands and Tehsildaree Mehals. 1795 *R.* 2. § 24.

54. Land was declared liable to be sold by Government for recovery of revenue balances, though no such sales had hitherto taken place. 1795 *R.* 2. § 26.

55. The collection of the Amanee lands was entrusted to the Amils; and it was ordered, that, from 1202, the Tushkhees of those lands should be ascertained by Ameens; and that all Pottahs, granted by the Amils in the Amanee lands at less than the Pergunna rates, should be null and void. 1795 *R.* 2. § 27.

56. No rent-free grants for gardens or places of worship were to be made without the sanction of Government. 1795 *R.* 2. § 28.

57. The person, in whose name the Pottah was made out, was to be considered immediately responsible to Government; but the Puteedars might prosecute their claims in the Adaulut. 1795 *R.* 2. § 25.

2. Rules incident to the Settlement.

1. The Jumma, payable under the decennial settlement, shall remain fixed for ever with regard to those Pottahdars who have performed the conditions of their Pottahs, and as long as they continue to observe them. 1795 *R.* 1. § 2 & 3. *C.* 1. A. D. 1795.

2. The Pottahdars shall conform to all the Regulations of Government regarding the rights of their Puteedars and of the Rayats, or the administration of justice. 1795 *R.* 1. § 3. *C.* 3.

3. The succession to Zemindaries is to be according to the laws and customs of the country and Regulations of Government. 1795 *R.* 1. § 3. *C.* 4.

4. Zemindars, dispossessed previous to 1st July 1775, may be restored to their estates on the death of the Pottahdars, if they agree to the Jumma assessed. 1795 *R.* 2. § 3. *C.* 5.

5. And Zemindars, excluded at the formation of the settlement, may regain possession on proving in a Court of Justice intermediate possession since 1st July 1775, and indemnifying the Pottahdar for his losses, which shall be ascertained and provided for in the decree. 1795 *R.* 1. § 3. *C.* 6.

A. D. 1795

6. The future settlement of Amanee and farmed lands is to be made by the Collector agreeably to the Regulations and the instructions which he may receive; that of Amanee lands is to be formed on the Jaedad with a deduction of ten per cent, and a Russud of four or five years for the waste lands; and that of farmed lands is to be made, on the unalterable Jumma already fixed, with the party entitled to succeed to the Pottah. If the Zemindar, entitled to succeed, should decline, he shall not hereafter be admitted without agreeing to a settlement to be formed as for Amanee lands. 1795 *R.* 5. § 7. *C.* 4.

7. Lands of dispossessed proprietors are not to be sold for arrears accrued during dispossession, but will become liable after restoration. 1795 *R.* 27. § 5. *C.* 5.

8. And the lands of Zemindars excluded under Section 12, Regulation 2 of 1795, are not to be sold on any account until they shall have been restored. 1795 *R.* 27. § 8.

9. The lands of proprietors are liable for their revenue engagements, and they shall besides give security. 1795 *R.* 5. § 31.

10. When an estate devolves to two or more heirs, if they choose to divide it, the assessment on each share shall be allotted by Section 7, Regulation 27 of 1795. 1795 *R.* 44. § 4.

11. The revenue of resumed rent-free lands not Badshahee, exceeding fifty Begas in any one grant, made previous to 1196, belongs to Government, but is to be paid through the proprietor of the estate from which the alienation took place. 1795 *R.* 41. § 7.

12. The revenue on such resumed land, not exceeding fifty Begas in any one grant, belongs to the person responsible for the rents of the estate, but without subjecting him to any increase of assessment; and, if the estate be held Khas, shall be collected by and paid to the person entitled to receive the rents, until a settlement be made. 1795 *R.* 41. § 6.

13. The Collector, if the land exceed fifty Begas, and the person entitled to the rents, if it do not exceed fifty Begas, may assess all such grants not registered within one year from a publication to be made, and not subsequently admitted on the register by order of Government. 1795 *R.* 41. § 26.

14. The Collector may assess all Badshahee grants not so registered. 1795 *R.* 42. § 21.

15. And the person entitled to the rents may dispossess the grantee of any rent-free grant made since the beginning of 1196 by any other authority than the Governor General in Council, and may assess the land at the Pergunna rate without being subject to an increase of assessment. 1795 *R.* 41. § 10.

16.

16. The settlement of resumed rent-free lands in Benares is to be made with the grantee, until ousted by the decision of a Civil Court. 1795 *R.* 41. § 4.

17. The settlement of a resumed Badshahee grant is to be made with the proprietor of the soil. 1795 *R.* 42. § 6.

18. All disputes respecting the proprietary right are to be settled in Courts. 1795 *R.* 41. § 4. *R.* 42. § 4.

19. The assessment on grants made previous to the 31st August 1781 is to be one half of the Pergunna rates; and is to include a Russud for the waste lands approved by the Board and Government; the produce is to be ascertained by a measurement at the joint expense of Government and of the proprietor, if he agree to the Jumma required, or by such mode as the Collector and Board may deem advisable. If the proprietor decline, the land shall be farmed or held Khas; if he agree to the assessment, it shall remain fixed for ever. 1795 *R.* 41. § 8. *C.* 2.

20. The assessment on grants made since the 31st August 1781 is to be according to Regulation 5 of 1795, under similar stipulations. 1795 *R.* 41. § 8. *C.* 3.

21. And on Badshahee grants resumed, escheated, or expired. 1795 *R* 42. § 6.

22. The revenue is payable from the date of the first decree adjudging resumption. 1795 *R.* 41. § 19. *R.* 42. § 14.

23. Portions of an estate sold for satisfying decrees are to be assessed according to Section 7, Regulation 27 of 1795. 1795 *R.* 20. § 4.

24. And shares of an estate divided. 1795 *R.* 26. § 3.

25. In the division of an estate the whole is to be held answerable for the revenue until the division be finally adjusted and each sharer put into distinct possession. 1795 *R.* 26. § 7. *C.* 2.

26. The following rules of Regulation 25 of 1793, for alloting the assessment on portions of a divided estate, are extended to Benares. 1795 *R.* 26. § 2.

27. The Board of Revenue may make such alteration in the allotment of the public revenue on each share of a divided estate, as may appear proper, reporting it to Government. 1793 *R.* 25. § 19. ext. *Ben.* 1795 *R.* 26. § 2.

28. If any error be discovered in the assessment of the shares within three years, Government may order a new settlement. 1793 *R.* 25. § 25. ext. *Ben.* 1795 *R.* 26. § 2.

29.

A. D. 1800 29. The rules of Section 29, Regulation 7 of 1799, for allotting the assessment on portions of land sold, are extended to Benares. 1800 *R.* 5. § 26.

A. D. 1801 30. New allotments of assessment, in divided Mehals, under Section 25 Regulation 35 of 1793, are not to be final till sanctioned by the Board; and, in case of a reduction therein, not till sanctioned by Government. 1801 *R.* 1. § 12.

31. The Board may make necessary alterations in the assessment allotted by the Collector on the share of a divided estate. 1801 *R.* 1. § 13. *C.* 4.

32. And need not report them to Government except in case of a reduction in the fixed assessment. 1801 *R.* 1. § 13. *C.* 5.

33. The assessment on portions of land sold is to be allotted on the neat annual rents after deducting the charges of collection; the Collector's allotment of Jumma is in no instance to be final without the sanction of the Board. 1801 *R.* 1. § 8.

A. D. 1806 34. On the death, removal or resignation of a Tehsildar in Benares, the Collector shall report through the Board of Revenue, and the Magistrate through the Nizamut Adaulut, the establishment necessary for the collection of the revenue and the maintenance of the Police respectively; and the Governor General in Council will fix the allowances and establishment of the successor. 1806 *R.* 21. § 2.

35. Tehsildars, appointed under this Regulation, shall have the same power with the present Tehsildars both as officers of revenue and of Police. 1806 *R.* 21. § 3.

36. And shall be responsible for the revenue of the Mehals within their Tehsildars, but shall receive abatements for any loss proved to the satisfaction of the Governor General in Council to have arisen from the impracticability of realizing any balances of Zemindars &c. and for actual losses proved to his satisfaction in the Amanee lands, and for any remissions granted by the Governor General in Council to any Zemindars &c. 1806 *R.* 21. § 4.

37. The personal salary and revenue establishment shall be paid to such Tehsildar by the Collector, and the Police establishments shall be paid by the Magistrate; and the expense shall be charged to the Revenue and Judicial Departments respectively. 1806 *R.* 21. § 5.

3. Rules for the Moeussil Settlement.

A. D. 1795 1. Pottahs to the Rayats in Benares, granted by the landholders, in the Moshukhusse lands, and by the Amils in the Amanee lands, are to contain the Asul and Abwab, as they

they stood in 1187, consolidated where the rents are paid in money, and the modes and rates of division where paid in kind, to be adjusted on reference to the Putwarees and Canongoes. 1795 *R.* 51. § 2. *C.* 1. A. D. 1795

2. Are to be for one general rate if the parties should agree thereto. 1795 *R.* 51. § 2. *C.* 2.

3. Are to specify the number and description of Begha, with the consolidated rate of assessment on each description of Begha 1795 *R.* 51. § 2. *C.* 3.

4. Are to have a detailed specification of all particulars. 1795 *R.* 51. § 2. *C.* 6.

5. According to a prescribed form. 1795 *R.* 51. § 2. *C.* 7.

6. And are to be signed by the landholders in the Moshukhussee lands, and by the Amils in the Amanee lands, and attested by the Canongoes. 1795 *R.* 51. § 2. and 5.

7. Subordinate Puteedars are entitled, on application, to similar Pottahs. 1795 *R.* 51. § 2. *C.* 4.

8. If the Ameens, deputed to carry into effect the delivery of Pottahs, shall have authorized any Pottahs contrary to the letter and spirit of the above form, such Pottahs are to be adjudged invalid in the Courts of Justice. 1795 *R.* 51. § 5.

9. If a publication be affixed by landholders and farmers at the principal Cuchery, notifying that Pottahs are ready for delivery, and stating when and where they may be obtained by application, such notification shall be deemed a legal tender of Pottahs. 1795 *R.* 51. § 7.

10. The Khodkasht tenants are entitled to have their Pottahs renewed at the established rents whenever expired or cancelled; but landholders &c. have the option of renewing or not the leases of Packasht tenants. 1795 *R.* 51. § 10.

11. The approbation of the Collector to Pottahs extends only to the form; when any deviation from the form prescribed by Clause 7, Section 2, may be deemed necessary by the Collector, the amended form shall be registered in the Dewannee Adaulut. 1795 *R.* 51. § 8.

12. All disputes regarding the rates of Pottahs are to be heard in the Dewannee Adauluts. 1795 *R.* 51. § 9.

13. No leases or Pottahs in Benares shall be granted for a period exceeding ten years, nor shall be renewed except in the last year; all engagements, contrary to this prohibition, or tending to evade it, are void 1795 *R.* 50. § 2.

A. D. 1795

14. But landholders are not prohibited from granting to natives leases of ground for a longer period, or in perpetuity, for buildings or gardens. 1795 *R.* 50. § 7.

15. Nor from selling or giving part of their land as a dependant tenure whether Zemindary or Puteedary. 1795 *R.* 50. § 6.

16. Leases in Benares, not repugnant to the Regulations, are not affected by the division of an estate. 1795 *R.* 50. § 3.

17. Nor by a private transfer, or descent, or public sale in execution. 1795 *R.* 50. § 4.

18. But in case of the estate being sold for recovery of arrears, all leases and Pottahs to farmers and Rayats, and all engagements with dependant tenants, shall stand void, and the purchaser may collect according to the rates of the Pergunna. 1795 *R.* 50. § 5.

19. Except leases for buildings or for gardens. 1795 *R.* 50. § 7.

20. Landholders and farmers in Benares are allowed to the end of 1204 for issuing the Pottahs; after which all claims of rent on engagements contrary to the form prescribed, or to such other form as the Collector with the sanction of Government may prescribe, shall be rejected by the Courts. 1795 *R.* 51. § 6.

21. Except the local usages of Agore Betaye in Pergunna Chownsa. 1795 *R.* 51. § 3. *C.* 3.

22. And of annual valuation in Pergunna Kurindeh. 1795 *R.* 51. § 3. *C.* 9.

23. And except in Pergunna Muhamedabad, where the descendants of the old Zemindars are permitted to decline taking Pottahs. 1795 *R.* 51. § 3 *C.* 10.

24. The revenue on resumed rent-free land other than Badshahee, not exceeding fifty Beghas in any one grant, held on grants made previous to 1196, belongs to the person who is responsible for the rents of the estate, but without subjecting him to any increase of assessment; and, if the estate be held Khas, shall be collected by, and paid to, the person entitled to receive the rents, until a settlement be made. 1795 *R.* 41. § 6.

25. And on similar grants not registered within one year from a publication to be made, nor subsequently admitted by Government on the register. 1795 *R.* 41. § 26.

26. The person entitled to the rents may dispossess the grantee of any rent-free grant, whether more or less than fifty Beghas, made since the beginning of 1196 by any other authority than the Governor General in Council, and may assess the land at the Pergunna rates without being subject to an increase of assessment. 1795 *R.* 41. § 10.

27.

27. The assessment on resumed rent-free grants prior to 1196 and lapsing to the landholder, is to be adjusted as on similar grants lapsing to Government; and shall be fixed by the Collector (reporting it for the confirmation or revision of the Board) on accounts of the produce which the landholder must obtain without any expense to the grantee; if the proprietor shall agree to pay the revenue required, it shall remain fixed for ever. 1795 *R.* 41. § 9. D. [illegible]

28. Leases and engagements in estates under charge of Ameens for default of revenue shall not be infringed by the Ameens; and, where no engagements exist, the Ameen shall collect according to the Pergunna rates. 1795 *R.* 6. § 15.

29. Or for sale in execution. 1795 *R.* 20 § 7.

30. A sale for the recovery of arrears of revenue shall cancel wholly the leases of those under farmers, a part only of the land included in whose leases may be sold. 1796 *R.* 3. § 3. A. D. 1796

31. All disputes between a purchaser of land at public sale and the under tenants are to be settled by due course of law, in like manner as they would have been between the under tenants and the former proprietor: but such purchaser may eject, without application to the Adaulut, the under tenants whose leases are cancelled, and who decline to renew them on such terms as he is authorized to require. 1799 *R.* 7. § 29. *C.* 5. ext. *Ben.* 1800 *R.* 5. § 26. A. D. 1799

32. Ameens in charge of attached lands are to collect the rents according to the Pergunna rates, notwithstanding engagements evidently collusive and contracted in expectation of the attachment. 1800 *R.* 5. § 24. A. D. 18[illegible]

33. If an arrear of rent be not liquidated within the current year, the defaulter, if an under farmer for the past year only, can have no claim to any further lease; and though the lease may not have expired, the lessor has the option to annul it in consequence of his failure in the payment of the stipulated rent; or, if the defaulter be a leaseholder or other tenant having a right of occupancy as long as the rent be paid, the landholder may oust the defaulter without application to the Adaulut. 1800 *R.* 5. § 14. *C.* 7.

34. The tenants may sue the landholders &c. in the Civil Court, and recover costs and damages, for any infringement of their rights, whether founded on Pottahs and other written engagements, or on prescription and established usage. 1800 *R.* 5. § 14. *C.* 7.

35. No claim of purchase or mortgage on crops shall bar the claim to rent for the ground on which the crops grew. 1805 *R.* 5. § 9.

36.

A. D. 1801

36. If a public sale of land should take place after the 2d month of the year, leases granted for the current year by the proprietor antecedently to his estate being attached, unless collusive, shall not be cancelled under Section 5, Regulation 50 of 1795, and Section 3, Regulation 3 of 1796, until the end of the year. 1801 *R.* 1. § 9.

IV. *CEDED PROVINCES.*

1. Terms of the Sudder Settlement.

1. A proclamation to the following effect, relative to the settlement, was published on the 14th July 1802. *Ced. Prov.* 1803 *R.* 25. § 29

2. From the year 1210 the Sayer is to be separated from the Mal, and a settlement for the latter concluded where practicable with the actual proprietors (unless disqualified by bad character or other sufficient cause,) for three years, at a fixed equal annual Jumma; Huzooree Malguzars being held responsible for the Police of their estates. *Ced. Prov.* 1803 *R.* 25. § 29.

3 At the end of the three years, a settlement will be made with the same persons, if willing to engage, for three years more at a fixed equal annual Jumma, formed by adding two thirds of the difference between the annual Jumma of the first lease and the actual yearly produce at its expiration. *Ced. Prov.* 1803 *R.* 25. § 29.

4. At the end of the six years, a settlement will be formed with the same persons, if willing to engage, for four years at a fixed equal annual Jumma, formed by adding three fourths of the net increase of revenue during any one year. *Ced. Prov.* 1803 *R.* 25. § 29.

5. At the end of the ten years, a permanent settlement will be made with the same persons, if willing to engage, provided no others, who may have a better claim, shall come forward, for such lands as are in a sufficient state of cultivation, on such terms as Government shall deem equitable. *Ced. Prov.* 1803 *R.* 25. § 29.

6. The Zemindars, who decline engaging, or whose offer may be rejected by Government, shall be allowed the same Nankar which they received from the Nawab Vizeer. *Ced. Prov.* 1803 *R.* 25. § 29.

7. Of mortgaged Zemindarees, if in possession of the mortgagee, the settlement will be made with the person in possession, leaving the proprietors to obtain possession by a private settlement of accounts or by a judicial process. *Ced. Prov.* 1803 *R.* 25. § 29.

8.

8. The settlement of small Talooks nominally included in large Zemindaries will be made separately with the proprietors, who shall be allowed to pay the revenue to the Tehsildars of Government. *Ced. Prov.* 1803 *R.* 25. § 29.

9. Of lands without proprietors, or the proprietors of which decline engaging, a village settlement will be made for three years, giving the preference to the Mokudums, Purdhans or respectable Rayats. *Ced. Prov.* 1803 *R.* 25. § 29.

10. If neither proprietors nor farmers be forthcoming, the lands will be held Khas. *Ced. Prov.* 1803 *R.* 25. § 29.

11. Authorized Abwab are to be consolidated with the land rent, and expressed in the Pottahs and Kabooliuts; and nothing, but what is there expressed, shall be collected from the Rayats or under renters. *Ced. Prov.* 1803 *R.* 25. § 29.

12. All persons, engaging for the settlement, must bind themselves in writing to grant such Pottahs to the Rayats &c. and must give security in a sum equal to one fourth of the annual Jumma. *Ced. Prov.* 1803 *R.* 25. § 29.

13. On the 28th August 1802, the Collectors were authorized to make the settlement of the first three years at an equal annual increase, in instances, where, from calamity of season, the landholder might be unwilling to agree to a fair equal annual Jumma. 1803 *R.* 25. § 30. *C.* 1.

14. On the 13th August 1802, the Collectors were directed to deduct the Nankar, not exceeding 10 per cent on the Jumma, from the assessment of such landholders as might engage for their lands, taking engagements from them for the net residue. 1803 *R.* 25. § 30. *C.* 2.

15. And it was determined, that the Nankar of such Zemindars, as declined to engage, or whose offers might be rejected by Government, should not exceed 10 per cent on the Jumma. 1803 *R.* 25. § 30. *C.* 3.

16. The Nankar is to be deducted from the actual produce in calculating the increase to be assessed at the expiration of each lease, and such deduction is to preclude the landholders from all claims to any further proportion of the increased produce. 1803 *R.* 25 § 31.

17. Landholders were authorized on 30th September 1802, to grant portions of land free of rent to the village watchmen in lieu of wages, but such lands are resumable on the death of the parties; and all lands, held rent-free by public or private servants in lieu of wages, and not forming part of the authorized Lakheraj grants within the

A. D. 1803

provisions of Regulation 31 and 36, shall be considered as forming part of the Mulguzaree lands of the estate, and responsible like other Mulguzaree land for the revenue assessed upon the estate. 1803 *R.* 25.

Modified 1805 R. 8 § 28 C. 3

18. The whole of the lands in the Provinces ceded by the Nuwab Vizeer to the Company shall be let on lease for three years at a fixed equal rent to be determined by such accounts as the Collectors are possessed of, or may be able to obtain: if such a settlement should not be practicable, the Collectors shall make the settlement with an equitable annual increase, but no settlement is final without the sanction of the Board of Revenue. 1803 *R.* 27. § 53. *C.* 1.

Modified 1805 R. 5 § 2 &c

19. The engagements shall specify, that, at the end of the three years, a new settlement for three years shall be made with an addition of two-thirds of the difference between the Jumma of the first lease and the actual net produce of the lands at its expiration; that, at the expiration of this second settlement, a new settlement for four years shall be made with an addititon of three-fourths of the net increase of revenue during any one year of the second period: that, at the end of the ten years, a permanent settlement shall be made, for such lands as may be in a state of cultivation to warrant the measure, on such terms as Government may deem equitable; and that such persons, as fulfil their engagements for one period, shall have the option of renewing them for the subsequent. 1803 *R.* 27. § 53. § 2.

20. Claimants to lands, for which the present possessors have entered into engagements, who did not prefer their claims in six months from the proclamation of the 14th July 1802, shall not be entitled to possession till the expiration of the first triennial lease; and if they do not prefer their claims within three years, will not be entitled to possession till the expiration of the ten years; but claims may be preferred at any time within that period. 1803 *R.* 27. § 53. *C.* 3.

21. The settlement shall be made with the Zemindars if they offer an equitable Jumma; and if a Collector judge it inexpedient to form the settlement with a Zemindar, he shall transmit his proceedings to the Board of Revenue, detailing his reasons for rejecting the claim, with every information on the subject, and the Zemindar's answer to the objections. *Ced. Prov.* 1803 *R.* 27. § 53. *C.* 4.

22. If a Zemindar decline, or the Board should reject his claim to engage for his estate, he shall be allowed the same Nankar which he received under the Vizeer's Government, not exceeding 10 per cent on the Jumma. *Ced. Prov.* 1803 *R.* 27. § 53. *C.* 5.

23.

23. When a proprietor declines, and where there are no proprietors, a village settlement for three years shall be made with the Mokudums, Purdhans, or other respectable Rayats; but no person, not being a proprietor, shall engage for more than one Asulee village with its Dakhilee villages. *Ced. Prov.* 1803 *R.* 27. § 53 *C.* 9.

24. If a Zemindary be in the actual possession of a mortgagee or surety, the settlement shall be made with him; and the Zemindar shall be left to adjust his accounts with him or to sue in a Court of Justice. 1803 *R.* 27. § 53. *C.* 6.

25. Proprietors of dependant Talooks in large Zemindaries, if they have had long and undisturbed possession, shall make a separate and distinct settlement for their Talooks; provided they should be desirous of such separation, or the Zemindar should require it. 1803 *R.* 27. § 53. *C.* 7.

26. The Collector shall, in all doubtful cases, make the settlement with the person in possession; and either Zemindar or Talookdar, dissatisfied with the separation, or with a refusal of it, may sue in a Court of Justice. 1803 *R.* 27. § 53. *C.* 8.

27. Persons, with whom a settlement is made, whether proprietors or not, shall give security equal to one fourth of the stipulated annual Jumma. 1803 *R.* 27. § 53. *C.* 10.

28. And shall bind themselves, under such penalty as the Collector may fix, to grant Pottahs to Rayats who shall execute counter-engagements of a similar tenor. 1803 *R.* 27. § 53. *C.* 11.

29. In such Pottahs and Kabooliuts, all authorized Abwab shall be consolidated with the land rent into one Jumma, to be expressed in one gross sum; and the imposing of new Abwab shall be strictly prohibited. 1803 *R.* 27. § 53. *C.* 12.

30. The engagements with Government shall be exclusive of Sayer, Zemindary, and Thanadary duties; and the Kabooliuts of actual proprietors shall contain a clause restricting them from collecting any duties; the Collectors shall fully explain the nature and extent of this restriction: no deduction shall be admitted on account of Nankar or pensions; which shall be paid from the treasuries of Government. 1803 *R.* 27. § 53. *C.* 13.

31. Actual proprietors, who pay their revenue direct to the Collector, shall be answerable for entertaining an efficient Police in their estates, subject to such rules as may be enacted; except in cities, large towns and principal Gunges. 1803 *R.* 27. § 53. *C.* 16.

32. When neither proprietors nor farmers tender suitable terms of settlement, a Khas or Beulee settlement shall be made with the Rayats at the rate of five eighths to Government and three eighths to the Rayat in Polich lands, two eighths to Government

and

A. D. 1803 and six eighths to the Rayat in Chunchur lands, one eighth to Government and seven eighths to the Rayat in Banjur lands. Banjur lands, after one year, shall be deemed Chunchur; and after two years Polich: Chunchur land, after one year, shall be deemed Polich: Nuzeranah shall be abolished; Putwaree's wages shall be borne by the Rayats, and the Musahut charges by Government: crops are to be valued at the price of the day; the Rayats shall engage that the cultivation of the lands shall not fall off, and and that they shall not undertake the cultivation of new lands until they have accomplished that of the old. 1803 *R.* 27. § 53. *C.* 14.

33. The settlement of a joint undivided estate, if all the proprietors be not disqualified, shall be made with all the proprietors jointly; and they shall be required to elect a manager who is to have the exclusive management of the lands; the manager is to be elected by the majority of the votes present; or, if the votes be equal, by the greater interest of the voters; or, if the votes and interest be both equal, the manager is to be appointed by the Board of Revenue. 1803 *R.* 52. § 5. *C.* 1.

34. The determination of the majority is to be similarly binding on the rest in agreeing or disagreeing to the Jumma proposed for joint estates; but any sharer dissatisfied may obtain a division of the estate at his own expense. 1803 *R.* 52. § 5. *C.* 4.

35. The guardians of lunatics, minors, idiots, and others having guardians, are to vote in the election. 1803 *R.* 52. § 5. *C.* 2.

36. If the proprietors neglect to appoint a manager, the Collector is to nominate one for the approbation of the Board; and such manager, when confirmed by them, shall have the exclusive management: but the expense and responsibility are to rest with the proprietors. 1803 *R.* 52. § 5. *C.* 3.

37. These rules are not applicable to estates under managers appointed by the Court of Wards. 1803 *R.* 52. § 5. *C* 5.

38. Istumrardars or Mokururedars are declared exempt from all enhancement of their rent, if they clearly establish, from the conditions of their tenures, that they are not liable to any increase of rent, and that they have paid a fixed invariable rent during twelve years previous to the 10th November 1801. 1803 *R.* 30 § 12.

39. The triennial settlement, which will be formed at the expiration of 1212, and all future settlements, are to be made in the Lucnow 45 Sun Sicca Rupee; and the difference of the intrinsic value between the species of Rupee in which the existing settlement has been made, and the Lucnow 45 Sun Sicca Rupee, according to the table of rates, shall be deducted, and a settlement concluded for the residue. 1803 *R.* 45. § 17. *C.* 1.

40.

40. But if a settlement be made previous to the publication of the table of rates, and to the commencement of the Furrukhabad coinage, a claim shall be inferred to pay Lucnow Sicca Rupees, or the species of Rupees collected from the tenants &c. at the Bazar rates of Batta: subsequent to the commencement of the new coinage, and previous to the publication of the table of rates, the public revenue shall be paid in the new coin; or in the species of Rupees actually collected, at the Bazar rates of Batta: and such rates are to be inserted by the Collector in his treasury accounts: subsequent to the commencement of the new coinage, and to the publication of the table of rates, the Lucnow Rupee shall be received only at its intrinsic value. 1803 *R.* 45. § 17. *C.* 2. A. D. 1803

41. The landholders, whose estates are held khas in consequence of their having declined to engage for the settlement, will be restored to their estates on agreeing to pay the assessment required [illegible], but landholders, whose estates have been let in farm, will not be restored [illegible] from the lease, unless the farmers consent to make over to them [illegible] and the Governor General in Council shall approve the transfer [illegible] 1803 *R.* 25. § 3.

42. The proprietary right of all Zamindars, Taluqdars, and other landholders, possessing a right of property in the land comprised in their tenure, is declared to be confirmed and established under the authority of Government, in conformity to the laws and usages of the country and to the Regulations of Government. 1803 *R.* 25. § 34.

43. The stipulation, that the second triennial settlement commencing with 1213 shall be increased in the proportion of two thirds of the difference between the annual amount of the first triennial settlement and the actual yearly produce at its expiration, is rescinded. 1805 *R.* 5. § 2. A. D. 1805

44. The second triennial settlement shall be concluded at the same annual Jumma, which was payable by them under the first settlement, with such landholders and farmers as shall have fulfilled their engagements. 1805 *R.* 5. § 3.

45. Such, as have obtained remissions from Government, shall be considered to have fulfilled their engagements, if they have discharged their whole Jumma with the exception of such remission. 1805 *R.* 5. § 4.

46. In instances in which the first triennial settlement was concluded at an annual increase, the second triennial settlement shall be concluded at the Jumma payable on account of the last year of the first settlement. 1805 *R.* 5. § 5.

47. The Governor General in Council may authorize the conclusion of the settlement for the next three years, or for any proportion of the said period with any other

A. D. 1805 persons, for those estates or farms, the Zemindars or farmers of which may decline renewing the settlement on the prescribed terms. 18[illegible] 5 § 0.

48. This Regulation is not to affect any settlements which may have already been concluded for the ensuing three years; nor to preclude the reluration of the Zemindars, under Section 33, Regulation 25 of 1803, to estates let in farm, at the expiration of the first triennial settlement. 1805 R. 5 § 7.

49. No settlement shall be considered final in the Ceded Provinces until it shall have received the sanction of the Governor General in Council. 1805 R. 8. § 18. C. 3.

2. Rules incident to the Settlement.

A. D. 1803 1. The assessment on portions of estates sold by public or private sale, and on the partition of joint estates, may be corrected in case of error, collusion or fraud; and the assessment made by the Collector shall not be final without the sanction of the Board. 1803 R. 25. § 19

2. The settlement of resumed rent-free lands, not Badshahee, in the Ceded Provinces, is to be made with the grantee until ousted by the decision of a Civil Court. 1803 R. 31. § 4.

3. The settlement of a resumed Badshahee grant is to be made with the proprietor of the soil. 1803 R. 36. § 6.

4. All disputes respecting the proprietary right are to be settled in the Civil Courts. 1803 R. 31. § 4. R. 36. § 4.

5. The revenue of all resumed lands belongs to Government. 1803 R. 31. § 5. C. 1.

6. And is to be regulated by the rules of Regulation 27 of 1803. If the proprietor do not agree to the assessment fixed, a report is to be made through the Board of Revenue to Government; and the lands shall be farmed or held Khas. 1803 R. 31. § 5. C. 2. R. 36. § 6.

7. The assessment is payable from the date of the first decree adjudging the resumption. 1803 R. 31. § 14. R. 36. § 14.

8 Portions of estates sold in satisfaction of decrees are to be assessed according to Section 37, Regulation 25. 1803 R. 26. § 18.

9. And shares of estates divided. 1803 R. 26. § 36.

10. In the division of an estate, the whole estate is to be held liable for the revenue, until the division be finally adjusted, and each sharer put into distinct possession. 1803 *R.* 26. § 58.

11. The Board of Revenue may make such alterations in the allotment of the public revenue on each share of a divided estate, as may appear proper, reporting it to Government. 1803 *R.* 26. § 48. *C.* 2.

12. If any error be discovered in the assessment of the shares within three years, Government may order a new allotment. 1803 *R.* 26. § 55.

13. No [illegible] the assessment in divided Mehals, under the preceding Section, are [illegible] sanctioned by the Board; and, in case of a reduction therein, not till [illegible] by Government. 1803 *R.* 26 § 60.

14. Government does not guarantee the truth of the accounts on which the assessment is allotted on lands sold at public sale, if the purchaser at public sale shall, within one year, prove to the satisfaction of Government, that the accounts upon which the Jumma was allotted were false, a new allotment will be ordered: the Collectors, on receiving such claims, shall [illegible] full inquiry, and report to the Board, who, if satisfied of the justice of such claim, shall submit it to Government; and, if not, shall reject it: and the claimants may appeal to Government. No such claim shall be received for past sales, if not preferred in one year from this date; except in cases of manifest fraud and error; and no addition shall be made to a purchaser's Jumma, unless he consent to it, for rectifying mistakes, rather than relinquish his purchase. 1803 *R.* 26. § 6. *C.* 1.

15. The Collectors are in all cases to take under their own management the settlement and collection of large Zemindaries, and of all such other lands as they can superintend without detriment to their general avocations. 1803 *R.* 27. § 53. *C.* 15.

16. Tehsildars shall be appointed to collect the revenue from the lands, for which a settlement may not have been made with the proprietor, and such other lands as the Collectors may place under them. 1803 *R.* 27. § 2 *C.* 1.

17. The Tehsildars are to be selected by the Collectors, but are not to be deemed actually appointed without the Board's sanction. 1803 *R.* 27. § 2. *C.* 2.

18. Each Tehsildaree shall, in all practicable cases, be not less than two Lacks, nor more than three Lacks; where a Collector may deem a larger trust expedient, he shall report it to the Board of Revenue for reference to Government. 1803 *R.* 27. § 2. *C.* 3.

19.

A. D. 1803

19. The Collectors shall be careful, that Tehsildars be principals and not agents for their sureties, and that they do not hold more than one Tehsildaree. 1803 *R.* 27. § 2. *C.* 4.

20. The Tehsildars shall be allowed eleven and half per cent on the gross collections; in consideration of which they are to defray all charges of collection, and to be answerable for balances and Tuccavee advances. 1803 *R.* 27. § 2. *C.* 5.

21. And to maintain an efficient Police, except in cities, towns, and principal Gunges. 1803 *R.* 27. § 2. *C.* 6.

22. They shall give security to be approved of by the Board, in a sum equal to the largest Kist of the year. 1803 *R.* 27. § 2. *C.* 7.

23 Shall be removable, after report to the Board, if in arrear to the amount of a whole Kist. 1803 *R.* 27. § 2. *C.* 8.

24. Shall make the usual Tuccavee advances at the proper periods, taking bonds at twelve per cent interest, which shall specify the number of Beghas, and be attested by the Chowdries, Canongoes, and Mokuddums. 1803 *R.* 27. § 2. *C.* 9.

25. All engagements, concluded by them, shall be in the name and on the part of Government. 1803 *R.* 27. § 2. *C.* 10.

26. Any person, proving to the Collector misconduct in the Tehsildar towards him, may, after reference to the Board, [illegible] his revenue direct to the Collector, on giving good security; but the Collector shall be careful, that the authority of the Tehsildars be not lessened on light grounds [illegible]; *R.* 27. § 2. *C.* 11.

27. And if Government, on report of the Board, shall direct it, the collections of large farms shall be paid immediately to the Collector, and not through a Tehsildar. 1803 *R.* 27. § 53. *C.* 17.

28. The various sorts of Rupees, current in the provinces, will be received in payment of the public revenue till the commencement of 1216, at the fixed rates specified in a table to be hereafter published. 1803 *R.* 45 § 18. *C.* 1.

29. But from and after the commencement of 1216, no other Rupees than the Lucknow forty-five Sun Sicca, struck at the Furrokhabad Mint, shall be received. 1803 *R.* 45. § 23.

A. D. 1803

30. On the death, removal or resignation of a Tehsildar in the Ceded Provinces, the Collector shall report through the Board of Revenue, and the Magistrate through the

the Nizamut Adaulut, the establishment necessary for the collection of the revenue and for the maintenance of the Police respectively; and the Governor General in Council will fix the allowance and establishment of the successor. 1806 R. 21. § 2. A. D. 1806

31. Tehsildars, appointed under this Regulation, shall have the same power with the present Tehsildars, both as officers of revenue and police. 1806 R. 21. § 3.

32. And shall be responsible for the revenue of the Mehals within their Tehsildarees; but shall receive abatements for any loss proved, to the satisfaction of the Governor General in Council, to have arisen from the impracticability of realizing any balances of Zemindars &c. and for actual losses proved to his satisfaction in the Amanee lands, and for any remissions granted by the Governor General in Council to any Zemindars &c. 1806 R. 21. § 4.

33. The personal salary and revenue establishment shall be paid to such Tehsildar by the Collector, and the Police establishments shall be paid by the Magistrate; and the expense shall be charged to the Revenue and Judicial departments respectively. 1806 R. 21. § 5.

3. Rules for the Mofussil Settlement.

1. A landholder, or farmer, who has made a settlement with Government, may let the lands of the estate, in whatever manner he shall think proper, under the prescribed restrictions, and consistently with the rights of the under tenants; but every engagement shall be fair, and any thing received beyond it shall be repaid with double penalty. 1803 R. 50 § 2. A. D. 1803

2. But no lease shall be granted by any person engaging for a triennial or quartennial settlement, beyond the term of his own lease with Government; and all leases contrary to this prohibition are void. 1803 R. 47. § 2. C. 1.

3. Nor shall any lease be made by a person with whom a permanent settlement shall be formed, for more than ten years; nor a lease be renewed except in the last year; all leases contrary hereto, or in evasion of it, are void. 1803 R. 47. § 2. C. 2.

4. But leases to Talookdars may be cancelled or renewed at any time before their expiration, if by mutual consent and from no fraudulent motives. 1803 R. 47. § 2. C. 3.

5. Landholders, however, are not prohibited from selling or disposing of any part of their estates as a dependant Talook. 1803 R. 47. § 7.

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6. And may grant leases to natives for any term, or in perpetuity, for the erection of houses and other buildings or for gardens. 1803 *R.* 47. § 8.

7. But the Jumma, stipulated between the parties for such dependant Talook, will not be entered on the public records; and such lands will be liable, with the rest of the estate, for the revenue of the whole. 1803 *R.* 25 § 37.

8. Pottahs, if the parties mutually agree, are to be for a specific sum for a certain quantity of land; but if the parties prefer to vary the rate according to the article cultivated, the Pottah shall specify the quantity of land, species of produce, rate and amount of rent, and term of lease, with a stipulation for the execution of a new engagement if the species of produce be changed; and, in such event, new engagements shall be executed accordingly. 1803 *R.* 30 § 6.

9 The rent, by whatever rule or custom regulated, shall be specifically stated in the Pottahs, which, in every possible case, shall contain the exact sum to be paid by the Rayats. 1803 *R.* 30. § 7. *C.* 1.

10. And, if adjustable on measurement after cultivation, or on survey of the crop, or payable in kind, the rate and terms of payment, and proportion of crop, with every condition, shall be clearly specified. 1803 *R.* 30. § 7. *C.* 2.

11. All persons, with whom a settlement is made, shall bind themselves, under such penalty as the Collector may fix, to grant Pottahs to the Rayats, who shall execute counter engagements of a similar tenor. 1803 *R.* 27. § 53 *C.* 11.

12. In such Pottahs and Kabooliats, all authorized Abwab shall be consolidated with the land-rent into one Jumma to be expressed in one gross sum, and the imposing of new Abwab shall be strictly prohibited. 1803 *R.* 27. § 3. *C.* 12.

13. Landholders &c. are to prepare a form of Pottah conformably to the prescribed rules, and adapted to the circumstances of their estates. 1803 *R.* 30 § 8.

14. And shall deliver such Pottahs at the expiration of the year 1215. 1803 *R.* 30. § 4.

15. Landholders, imposing any new Abwab on the tenants, shall pay a penalty of three times the amount. 1803 *R.* 30. § 5.

16. These rules are equally applicable to the renewal of Pottahs which expire or become cancelled under Regulation 47. 1803 *R.* 30 § 10.

17. Any disputes regarding the rates of Pottahs shall be decided in the Zilla Courts according to the established Pergunna rates. 1803 *R.* 30. § 9.

18.

18. Any refusal to deliver a Pottah shall be punished, on proof in the Civil Courts, by a fine proportioned to the tenant's expense and trouble. 1803 *R.* 30. § 11.

19 No farmer shall grant a Pottah beyond his own lease, nor an Agent without the authority of his principal. 1803 *R.* 30. § 11.

20. Every description of under tenants, who by the conditions of their tenures are not liable to an increase of rent, and have paid a fixed invariable rent for twelve complete years before the 10th November 1801, shall be exempt from all enhancement of their fixed rent by the proprietor, farmer or the officers of Government. 1803 *R.* 30. § 12.

21. Leases, not repugnant to the Regulations, are not affected by the division of an estate. 1803 *R.* 47. § 3.

22. Nor by a private transfer or descent or a public sale in execution. 1803 *R.* 47. § 4.

23. But in case of the estate being sold for recovery of arrears, all leases and Pottahs to farmers and Rayats, and all engagements with dependant Talookdars, shall stand void, and the purchaser may collect according to the rates of the Pergunna. 1803 *R.* 47. § 5.

24. No persons, contracting with or employed by landholders in the collection of their rents, shall take charge without a written Amilnama. 1803 *R.* 30. § 3.

25. Engagements of landholders and farmers with their tenants, &c. after the commencement of 1216, in any species of Rupees except the forty five Sun Lucnow Sicca, shall not be recoverable in Civil Courts; and all engagements, formed previous to 1216, are in all practicable cases to be in the forty five Sun Lucnow Sicca Rupees. 1803 *R.* 45 § 26.

26. Leases and engagements in estates under charge of Ameens for default of revenue shall not be infringed by the Ameens; and, where no engagements exist, the Ameen shall collect according to the Pergunna rates. 1803 *R.* 27. § 15. *C.* 1.

27. Or for sale in execution. 1803 *R.* 26. § 21.

28. Ameens, in charge of attached lands, are to collect the rents according to the Pergunna rates, notwithstanding engagements evidently collusive and contracted in expectation of the attachment. 1803 *R.* 27. § 15. *C.* 3.

29. All disputes between a purchaser of land at public sale and the under tenants are to be settled by due course of law, in like manner as they would have been between the under tenants and the former proprietor; but such purchaser may eject, without application

[illegible] the Adaulut, the [illegible] whose leases are cancelled and who decline to [illegible] them on such terms [illegible] authorized to require 1803 R. 26. § 11

[illegible] If an arrear of [illegible] liquidated within the current year, the defaulter, if an under farmer [illegible] can have no claim to any further lease, and though the lease [illegible] the landlord has the option to annul it in consequence of his failure in the payment of [illegible] rent, or if the defaulter be a leaseholder or other tenant having a right [illegible] as long as the rent be paid, the landholder may oust the defaulter [illegible] application to the Adaulut. 1803 R 28 § 52 C 7.

31 The tenants may sue the landholders &c in the Civil Court, and recover costs and damages [illegible] infringement of their rights, whether founded on Pottahs and other written engagements, or on prescription and established usage. 1803 R. 28. § 32. C. 7

32. No claim of purchase or mortgage on crops shall bar the claim to rent for the ground on which the crops grew. 1803 R. 28 § 17 C. 2

33. Dependant Talookdars are not liable to an enhancement of their rent unless proved to be so by the custom of the district, or the conditions of the tenure, or by having received abatements. 1803 R [illegible] 6 C 1

34. Zemindars, exacting more than their right from a Talook, shall forfeit twice the amount and costs of suit. 1803 R. 47 § 6 C. 2

V. CONQUERED PROVINCES AND BUNDELKHUND.

1. At the commencement of 1213, a settlement for three years, except in Bundelkhund, will be formed for the land revenue, after separating the Sayer of every denomination, with the actual proprietors, unless disqualified by sufficient cause, at a fixed equal annual Jumma, and, where such a settlement shall not be practicable, it shall be made at an equitable annual increase. but no settlement final without the sanction of the Governor General in Council. The engagements shall contain a clause restricting the Zemindars &c from collecting any duties whatever, and such Zemindars, as are Huzoor-tehsil, shall be responsible for maintaining the Police, except in cities, towns, and principal Gunges 1805 R 9 § 3.

2 At the expiration of the three years, a new settlement will be formed with the same persons, if willing to engage, for three years from 1216, with an addition of two thirds of the difference between the Jumma of the first settlement and the actual produce of the land at its expiration. 1805 R. 9. § [illegible]

3.

3. And, at the expiration of these three years, a new settlement will be formed with the same persons if willing to engage, for four years from 1219 with an addition of three-fourths of the net increase of revenue during any year of the second period. 1805 *R.* 9. § 5.

4. The settlement of the land revenue in Bundelkhund will be formed at the commencement of 1213 for one year, and three successive settlements of three years each will be formed at the commencement of 1214, 1217, and 1220. 1805 *R.* 9. § 6.

5. At the end of the ten years expiring with 1222, a permanent settlement will be formed with the same persons, if willing to engage, provided no person having a better claim shall come forward, for such land as may be in a state of cultivation to warrant the measure, on such terms as Government shall deem equitable. 1805 *R.* 9. § 7.

6. Those Zemindars, who decline engaging, or whose offers may be rejected, shall receive the same Nankar which they received under the former Government, not exceeding ten per cent. 1805 *R.* 9. § 8.

7. If a Zemindary be in the actual possession of a mortgagee or surety, the settlement shall be made with him, and the Zemindar shall be left to obtain possession by an adjustment of accounts or a judicial process. 1805 *R.* 9. § 9.

8. Separate and distinct settlements shall be made for small Talooks nominally included in large Zemindaries, provided the Talookdars should be desirous of it or the Zemindar require it: the Collector shall in all doubtful cases make the settlement with the person in possession; and either Zemindar or Talookdar, dissatisfied with such separation or with the refusal of it, may sue in a Court of Justice. 1805 *R.* 9. § 10.

9. When the proprietor declines, and where there are no proprietors, a village settlement shall be made for three years in the Conquered Provinces, and for one year in Bundelkhund, with the Mokudums, Purdhans or other respectable Rayats. 1805 *R.* 9. § 11.

10. When neither proprietors nor farmers tender suitable terms, a Khas or Boulee settlement shall be made with the Rayats, at the rate of five-eighths to Government and three-eighths to the Rayats in Polich lands, two-eighths to Government and six-eighths to the Rayats in Chunchur lands, one-eighth to Government and seven-eighths to the Rayats in Banjur lands: Bunjur, after one year, shall be deemed Chunchur, and after two years Polich: Chunchur after one year shall be deemed Polich: Nuzeranah shall be abolished: Putwaree's wages shall be borne by the Rayats, and the Musahut charges by

Reg. IX. 1805 Government: crops are to be valued at the price of the day: the Rayats shall engage that the cultivation shall not fall off, and that they will not undertake the cultivation of new lands till they have accomplished that of the old. 1805 *R.* 9. § 12.

11. All authorized Abwab shall be consolidated with the land-rent, and expressed in the Pottahs and Kabooliuts; and nothing but what is there expressed shall be collected. 1805 *R.* 9. § 13.

12. Persons, with whom a settlement is made, shall bind themselves to grant Pottahs of the above description to the Rayats, who shall execute counterpart engagements of a similar tenor. 1805 *R.* 9. § 14.

13. And shall give security equal to one-fourth of the stipulated annual Jumma. 1805 *R.* 9. § 15.

14. Three years from the conclusion of a settlement are allowed for the delivery of such Pottahs. 1805 *R.* 8. § 20. *C.* 2.

15. The allowance of Nankar to such Zemindars as engage for the lands, not exceeding ten per cent on the neat Jumma, shall be deducted from the Jumma, and the engagement shall be for the residue. 1805 *R.* 9. § 16.

16. Claimants to lands, for which the present possessors have entered into engagements, who shall not prefer their claim in six months from the date of issuing the proclamation, shall not be entitled to possession till the expiration of 1213 in Bundelkhund, and of 1215 in the Conquered Provinces: if they prefer their claim in Bundelkhund after 1213, and before the end of 1216, they shall not be entitled to possession till the first triennial lease expire; and, if they do not prefer their claim in Bundelkhund before the commencement of 1217, and in the Conquered Provinces before the commencement of 1216, they shall not be entitled to possession till the expiration of the ten years; but claims may be preferred at any time within the ten years. 1805 *R.* 9. § 17.

17. If a Collector judge it inexpedient to form the settlement with a Zemindar, he shall transmit his proceedings to the Board of Revenue, detailing his reasons for rejecting the claim, with every information on the subject and the Zemindar's answer to the objections. 1805 *R.* 9. § 18.

18. The Collectors are in all cases to take under their own management the settlement and collection of large Zemindaries, and not to entrust the settlement or collection to a Tehsildar; and of all such other lands as they can superintend without detriment to their general avocations. 1805 *R.* 9. § 19.

19.

19. And, if Government on report of the Board shall direct it, the collections of large farms shall be paid immediately to the Collector and not through a Tehsildar. 1805 *R.* 9. § 20. A. D. 1806

20. The Nankar is to be deducted from the actual produce, in calculating the increase to be assessed at the formation of each new settlement; and such deduction is to preclude the landholders from all claim to any further proportion of the increased produce. 1805 *R.* 9. § 21.

21. Landholders may grant portions of lands free of rent to the village watchmen in lieu of wages; but such lands are resumable on the death of the parties: and all land held rent-free by public or private servants in lieu of wages, and not forming part of the authorized Lakheraj grants within the provisions of Regulations 31 and 36 of 1803, shall be considered as forming part of the Malguzaree lands of the estate, and responsible like other Malguzaree land for the revenue assessed on the estate. 1805 *R.* 9. § 22.

22. Actual proprietors, whose lands are held Khas in consequence of their declining to engage, shall be restored on their agreeing to the assessment required in conformity to the prescribed rules: but those, whose lands are farmed, shall not be restored till the expiration of the lease, unless the farmer consent to transfer the lease to them, and the Governor General in Council shall approve of the transfer. 1805 *R.* 9. § 23.

23. The proprietary right of all Zemindars, Talookdars, and other landholders, possessing a right of property in the lands composing their tenures, is declared to be confirmed and established under the authority of Government in conformity to the laws and usages of the country and to the Regulations of Government. 1805 *R.* 9. § 24.

24. The assessment on portions of estates sold by public or private sale, and on the partition of joint estates, may be corrected in cases of error, collusion or fraud; nor shall the assessment made by the Collectors be final without the sanction of the Board. 1805 *R.* 9. § 29.

25. The first settlement of the land revenue in the Pergunnas of Sonk, Sonsa and Sahon shall be made for the years 1214 and 1215. The second settlement, for the years 1216 to 1218; and the third settlement, for the years 1219 to 1222. 1806 *R.* 12. § 5. A. D. 1806

VI. *CUTTACK.*

1. The Commissioners in Cuttack issued a publication on taking possession of the country, notifying that all persons in possession of lands at the close of 1210 should continue in possession during 1211; that all demands for balances of former years should be A. D. 1805

cancelled,

A. D. 1805 cancelled; that the revenue payable for 1211 should be ascertained according to the receipts of former years, deducting some oppressive Abwab and other exactions, allowing for losses from the failure of the first crop and for such part of the revenue as had been collected by the Mahratta Government. 1805 *R.* 12 § 2.

2. The above arrangements, abatements and remissions are hereby confirmed. 1805 *R.* 12. § 3.

3. The following proclamation was issued by the Commissioners on the 15th September 1804. 1805 *R.* 12 § 4. *C.* 1.

4. And all the rules, orders and declarations, contained in it, are hereby confirmed. 1805 *R.* 12 § 5.

5. At the commencement of 1212, a settlement for one year will be formed for the land revenue, after separating the Sayer of every denomination, with the actual proprietors unless disqualified by sufficient cause; and all landholders and Khandaets shall continue to perform the same duties for the preservation of the peace subject to the same responsibility as heretofore. 1805 *R.* 12. § 4 *C.* 2.

6. At the expiration of the year 1212, another settlement will be formed with the same persons, if willing to engage, provided they shall have conducted themselves to the satisfaction of Government, for three years at a fixed equal Jumma formed on a just consideration of the receipts of 1212 and former years. 1805 *R.* 12. § 4. *C.* 3.

7. At the expiration of the fourth year, a new settlement will be formed with the same persons, if willing &c, for four years, with an addition of two thirds of the net increase of revenue during any one year of the preceding lease. 1805 *R.* 12. § 4. *C.* 4.

8. At the expiration of the quartennial lease in 1219, a further settlement will be formed with the same persons, if willing &c., for three years, with an addition of three-fourths of the net increase of revenue during any one year of the preceding lease. 1805 *R.* 12 § 4 *C.* 5.

9. And at the expiration of these eleven years in 1222, a permanent settlement will be formed with the same persons, if willing &c, provided no person having a better claim shall come forward, for such lands as may be in a state of cultivation to warrant the measure, on such terms as Government shall deem equitable. 1805 *R.* 12. § 4. *C.* 6.

10. The Nankar lands of Zemindars, who decline entering into engagements, will be subject to the payment of revenue with the other lands, but the Zemindar shall receive

ceive in money an equivalent for the Nankar received during the Mahratta Government. 1805 *R.* 12. § 4. *C.* 7.

11. If a Zemindary be in the actual possession of a mortgagee or surety, the settlement shall be made with him, and the Zemindar shall be left to obtain possession by an adjustment of accounts or a judicial process. 1805 *R.* 12. § 4. *C.* 8.

12. Separate and distinct settlements shall be made for small Talooks nominally included in large Zemindaries; and the settlement shall be made with the Mokudums for villages the revenue of which has been paid by them direct to Government upwards of five years. 1805 *R.* 12. § 4. *C.* 9.

13. When the proprietor declines, or where there are no proprietors, a village settlement shall be made with the Mokudums; but no settlement shall be made with a Mokudum for land not included in his Mokudumee. 1805 *R.* 12. § 4. *C.* 10.

14. If neither proprietors, Mokudums, nor other respectable Rayats, are forthcoming, the lands shall be held Khas. 1805 *R.* 12. § 4. *C.* 11.

15. All authorized Abwab shall be consolidated with the land rent and expressed in the Pottahs and Kabooliuts; and nothing but what is there expressed, shall be collected. 1805 *R.* 12. § 4. *C.* 12.

16. Persons, with whom a settlement is concluded, shall bind themselves to grant such Pottahs to the Rayats. 1805 *R.* 12. § 4. *C.* 13.

17. And shall give security equal to the largest Kist of the annual Jumma. 1805 *R.* 12. § 4. *C.* 14.

18. The tributary Rajas shall continue to furnish the usual guards, and be subject to the same responsibility as heretofore; and shall receive an equivalent in money instead of being permitted to levy the tax called Choupunee or Mangun Khandaetee. 1805 *R.* 12. § 4. *C.* 15.

19. The Nankar shall be deducted from the actual produce in calculating the increase to be assessed at the formation of each new settlement; and such deduction is to preclude the landholders from all claims to any further proportion of the increased produce. 1805 *R* 12. § 5.

20. Actual proprietors, whose lands are held Khas in consequence of their declining to engage, shall be restored on their agreeing to the assessment required in conformity to the prescribed rules. 1805 *R.* 12. § 6.

A. D. 1805

21. The expiration of the year 1215 is the period fixed for the general delivery of Pottahs. 1805 *R.* 12. § 7.

22. This Regulation shall not authorize the resumption of the rents of any lands assigned by the Rajas of Berar, or by any actual proprietor of land, as endowments for religious purposes; but any quit-rent reserved by such grants shall continue to be paid. 1805 *R.* 12. § 8.

23. Nor the resumption of the rents of any lands appropriated for the support of the Police, subject similarly to quit-rent. 1805 *R.* 12. § 9.

24. All engagements for the revenue shall be made in Calcutta nineteen Sun Sicca Rupees; but Rupees of sorts will be received at the Treasuries till the end of 1215 according to the table of rates in Section 14, Regulation 35 of 1793; and if any Rupees not mentioned in that table be current in Cuttack, the Collectors shall forward specimens to the Secretary in the Revenue Department for the purpose of being assayed; and the parties shall receive credit for the intrinsic value ascertained by the assay: a supplementary table of such rates shall be affixed in the Court-house and Collector's Cucherry; but after the expiration of 1215, none except Calcutta nineteen Sun Sicca Rupees or gold Mohurs, shall be received in payment of the public revenue. 1805 *R.* 12. § 13.

25. The revenue on resumed rent-free land belongs to Government. 1805 *R.* 12. § 22. *C.* 1.

26. And shall be regulated by the rules for concluding the settlement of other lands; but, if the proprietors should not agree to the assessment so fixed, a report shall be made by the Collector through the Board to the Governor General in Council, who will determine the amount of the assessment: and, if the proprietors still refuse, the lands shall be held Khas, or let in farm. 1805 *R.* 12. § 22. *C.* 2.

27. The Mokururee Sunnuds granted by the Commissioners to certain Zemindars, are confirmed. 1805 *R.* 12. § 33.

28. And the Sunnud to the Jageerdar of Malood, to hold his land exempt from assessment. 1805 *R.* 12. § 34.

29. And the permanent settlement made with certain hill Zemindars at a fixed annual quit-rent. 1805 *R.* 12. § 35. *C.* 1.

30. And with the proprietors of certain Jungul Zemindaries. 1805 *R.* 12. § 36.

31. And settlements on the same principles are to be made for the Zemindaries of Khorda and Kunka. 1805 *R.* 12. § 36.

32. And for the territory of Mohurbunj. 1805 *R.* 12. § 37.

LAW—

LAW—MUHAMEDAN AND HINDOO.

I. *IN CIVIL CASES.*

1. The Muhamedan law with respect to Muhamedans, and the Hindoo law with respect to Hindoos shall be the rule of decision in suits regarding succession, inheritance, marriage, cast, or other religious usages or institutions: the law officers are to attend and expound their respective law. *Beng.* 1793 *R.* 4. § 15. *Ben.* 1795 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 1. A. D. 1793

2. The point of law is to be ascertained on a written statement of the facts signed by the Judge with a blank for the law officer's opinion, which is to be attested by his signature; and both question and answer shall be dated. *Beng.* 1793 *R.* 4. § 16. ext. *Ben.* 1795 *R.* 8. § 2 *Ced. Prov.* 1803 *R.* 3. § 17.

3. The law officers of the several Courts are to be persons well versed in the laws. *Beng.* 1793 *R.* 12. § 3. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 3.

4. And persons selected for Cazees of cities and Pergunnas should be qualified by legal knowledge. *Beng.* 1793 *R.* 39. § 4. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov* 1803 *R.* 46. § 4.

5. In selecting persons to be pleaders of the Courts, preference shall be given to such as have been bred to the study of the Hindoo and Muhamedan law. *Beng.* 1793 *R.* 7. § 5. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov* 1803 *R.* 10. § 33.

6. All the heirs of a landholder dying intestate after 1st July 1794, who may be entitled by the Muhamedan or Hindoo law to a share in the land, shall succeed to the shares to which they are so entitled. *Beng.* 1793 *R.* 11. § 2. *Ben.* (after the first day of the year 1204.) 1795 *R.* 44. § 2.

7. All claimants, entitled by the Muhamedan or Hindoo law to a share in any real property under litigation, shall have their respective proportions adjudged by the decree. *Beng.* 1793 *R* 3. § 13. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 19.

8. All transfers of landed property by sale, gift or otherwise, if conformable to the Muhamedan or Hindoo law, and not repugnant to the Regulations of Government, are valid. *Beng.* 1793 *R.* 1. § 9. *Ben.* 1795 *R.* 27. § 6. *Ced. Prov.* 1803 *R.* 25. § 36. *Conq. Prov.* 1805 *R.* 9. § 26.

9. And all dispositions of landed property by will written or verbal, if similarly conformable. *Beng.* 1793 *R.* 11. § 6. *Ben.* 1795 *R.* 44. § 6.

10.

A. D. 1795 10. In suits in Benares regarding succession &c. if the parties be of different persuasions, the decision is to be regulated by the law of the defendant's religion unless he be of any other religion than the Muhamedan or Hindoo, in which case the law of the plaintiff shall form the rule. *Ben.* 1795 *R.* 8. § 3.

A. D. 1797 11. The Commissioners of suits concerning land, in Chittagong, are to regulate their decisions in causes regarding succession and inheritance by the law of the religion of the parties, and shall obtain an exposition of the law from the law officer of the Zilla Court, on a written abstract of the case to be transmitted to him: but such exposition shall not preclude the Judge, in the event of an appeal being brought, from making a further reference to the law officer on points of law. *Beng.* 1797 *R.* 18. § 5. *C.* 2.

12. And shall include all the claimants in the legal proportions of their shares. *Beng.* 1797 *R.* 18. § 5. *C.* 3.

A. D. 1798 13. The Civil Courts may refer points of law to the law officers of the Superior Courts through the Judges of those Courts, and may receive law opinions tendered by the parties quoting and referring to authorities, and may consult the law officers on their application to the case; but are not to refer law points to individuals not acting in public capacities. *Beng. Ben.* 1798 *R.* 2. § 4. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 1.

A. D. 1799 14. The Courts are to take the opinion of their law officers on any legal objection to the executors named by a native in his will, and on the provision to be made for the administration of the estate if the executors be set aside, and on all points of law occurring in such cases; and are to be guided by the law of the parties, as expounded by the law officers, subject to any modifications enacted by a Regulation. *Beng. Ben.* 1799 *R.* 5. § 2. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 2.

A. D. 1803 15. The native head Commissioners are to be guided in the trial of suits for real property by Clause 2, Section 5, Regulation 18 of 1799. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 9. *Ced. Prov* 1803 *R.* 16. § 26. *C.* 9.

16. The Muhamedan and Hindoo law officers of the Zilla or City Courts shall expound the law, in cases occurring on suits referred for trial to an Assistant Judge. *Beng. Ben.* 1803 *R.* 49. § 2. *C.* 4. *Ced. Prov* 1805 *R.* 8. § 35. *C.* 4.

17. Any form of oath, which on inquiry may be found legal, may be administered to the party offering to take it, except such oaths described in the Hindoo laws, as are of the nature of ordeals and rest the proof or credibility on the contingency of evil. *Beng. Ben.* 1803 *R.* 50. § 5. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 6.

II. *IN*

II. IN CRIMINAL CASES.

1. All questions on points of law during the course of a trial before a Court of Circuit, and respecting which no specific rules may have been enacted by Government, shall be referred by the Judge of Circuit to the law officer; whose opinions shall regulate the proceedings of the Court: but, if the Judge deem the law officer's opinion contrary to justice or to the Muhamedan law, he shall nevertheless complete the trial conformably thereto, and transmit it with a statement of his objections to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 54. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 23. A. D. 1793

2. If witnesses on trials in the Courts of Circuit are deemed incompetent by the Muhamedan law merely on the grounds of their not being Muhamedans, the law officers shall be required to declare what would have been the Futwa if the witnesses had been Muhamedans; and the trial is to be sent to the Nizamut Adaulut, who shall pass such sentence as they would have passed if the witnesses had been Muhamedans. *Beng.* 1793 *R.* 9. § 56. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov* 1803 *R.* 7. § 25.

3. The prosecutor may sue by Vakeel, except in cases where the Muhamedan law requires his personal attendance; and the evidence of female prosecutors and witnesses may be taken by commission in the manner prescribed by the Muhamedan law, if the case admit of it. *Beng.* 1793 *R.* 9. § 48. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 16.

4. The sentences of the Circuit Courts are to be in the terms of the Futwa if it shall appear consonant to natural justice and conformable to the Muhamedan law. *Beng.* 1793 *R.* 9. § 47. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 1.

5. Except in cases of mutilation, which shall be commuted into an imprisonment of seven years for each limb. *Beng.* 1793 *R.* 9. § 51. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 21.

6. If the Court disapprove the Futwa, the proceedings shall be referred to the Nizamut Adaulut, with a letter stating the grounds of disapproval. *Beng.* 1793 *R.* 9. § 53. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 22.

7. On trials for murder, the Futwas and law opinions in the Courts of Circuit shall be according to the opinions of Yusef and Muhamed. *Beng.* 1793 *R.* 9. § 50. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 22. *Ced. Prov.* 1803 *R.* 7. § 19.

8. And in the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 75. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 1.

A. D. 1793 Rescinded 1797 R. 4 § 3

9. And the reference prescribed by the Muhamedan law shall be made to the heir of the slain. *Beng.* 1793 *R.* 9. § 52. ext. *Ben.* 1795 *R.* 16. § 22.

10. But the Nizamut Adaulut shall sentence the prisoner, notwithstanding the option allowed to the heir by the Muhamedan law. *Beng.* 1793 *R.* 9. § 76. ext. *Ben.* 1795 *R.* 16. § 22.

11. And notwithstanding the heir should not have attained the age required by the Muhamedan law for claiming Kissas. *Beng.* 1793 *R.* 9. § 55. ext. *Ben.* 1795 *R.* 16. § 22.

12. The sentences of the Nizamut Adaulut are to be regulated by the Muhamedan law, except where a deviation from it may be expresly directed by a Regulation. *Beng.* 1793 *R.* 9. § 74. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 9.

13. And except the distinctions made as to the instrument and mode of perpetrating murder, further than as evidence of the intent. *Beng.* 1793 *R.* 9. § 75. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 1.

A. D. 1795 Modified 1799 R. 8 § 6

14. In trials for Dhurna, the Pundit is to be required to deliver a Bebusta, or exposition of the Shaster, whether the facts proved against the prisoner amount to the crime of Dhurna. *Ben.* 1795 *R.* 21. § 11. *Beng.* 1797 *R.* 5. § 4. *Ced. Prov.* 1804 *R.* 3. § 10. *C.* 1.

A. D. 1796

15. The hill people of Rajmuhul and Bhaugulpoor shall not be tried by the Muhamedan law. *Beng.* 1796 *R.* 1. § 2.

16. In cases where the Muhamedan law allows no discretion in the degree of punishment, and the Nizamut Adaulut shall deem the legal punishment too severe, the Court may recommend to the Governor General in Council, mitigation or pardon. *Beng. Ben.* 1796 *R.* 6. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 8. § 19. *C.* 1.

17. Stating at large their reasons for the recommendation. *Beng. Ben.* 1796 *R.* 6. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 8. § 19. *C.* 2.

A. D. 1797

18. On trials for murder, if the law officer of the Court of Circuit convict the prisoner of wilful murder, no reference shall be made to the heirs of the slain; but the law officer shall be required to declare the punishment to which the prisoner would have been liable under the Muhamedan law, if all the heirs entitled to demand Kissas had prosecuted, at a legal age to demand it, and had demanded it; and the trial shall be sent to the Nizamut Adaulut whatever be the Futwa; and if the law officer convict the prisoner

foner of any other denomination of homicide as diſtinguiſhed by the Muhamedan law, he ſhall declare the penalty preſcribed by the law, and the Court ſhall execute the ſentence, commuting Deyut into impriſonment, or ſhall refer the trial to the Nizamut Adaulut if the ſentence be impriſonment for life or if the Judge diſapprove the Futwa. *Beng. Ben.* 1797 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 2. A. D. 17[illegible]

19. The Courts of Circuit ſhall ſimilarly commute into impriſonment all pecuniary fines or Deyut awarded by the Futwa under the Muhamedan law for crimes other than homicide. *Beng. Ben.* 1797 *R.* 14. § 4. *Ced. Prov.* 1803 *R.* 7. § 39 *C.* 2.

20. On the reference of ſuch trials, the law officers of the Nizamut Adaulut ſhall, in writing the Futwa, aſſume that the legal requiſition of Kiſſas has been made by the heir; and, if they acquit the priſoner of wilful murder, ſhall, if they convict him of any other denomination of homicide, add the legal penalty to which the priſoner is liable; and the Nizamut Adaulut ſhall paſs ſentence conformably to the Muhamedan law and its authorized modifications. *Beng. Ben.* 1797 *R* 4 § 4. *Ced. Prov.* 1803 *R.* 8 § 11.

21. If, in any caſe not provided for by the Regulations, the Muhamedan law appear to the Nizamut Adaulut repugnant to juſtice; the Court ſhall nevertheleſs adhere to it if in favour of the priſoner, and ſhall recommend pardon or mitigation if againſt him, and at the ſame time propoſe a new Regulation to provide againſt the recurrence of the caſe. *Beng. Ben.* 1797 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 8. § 11.

22. On a trial for perjury the law officers ſhall declare in their Futwa whether the priſoner be liable to Tuſh-heer according to the opinion of Haneefa as well as the corporal puniſhment to which they conſider him liable according to the opinion of Yuſef and Muhamed, and the Court ſhall ſentence the priſoner to either or both modes of puniſhment according to the condition of the priſoner and the circumſtances of the caſe. *Beng. Ben.* 1797 *R.* 17. § 2. *Ced. Prov.* 1803 *R.* 7. § 40.

23. The diſtinction made by the Muhamedan law is not to be adhered to in caſes of homicide by drowning or poiſon. *Beng. Ben.* 1799 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 1. A. D. 1799.

24. Nor in other homicides on the ground of the priſoner being related to the ſlain or to one of the heirs of the ſlain, or the ſlain having been a ſlave, or on any ſimilar grounds of perſonal diſtinction. *Beng. Ben.* 1799 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 15.

25. Or on the ground of the priſoner having been requeſted by the deceaſed to put him to death. *Beng. Ben.* 1799 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 16.

26.

A. D. 1799 26. Or one or more of the prisoner's accomplices being exempted from Kissas. *Beng. Ben.* 1799 *R.* 8. § 4. *Ced. Prov.* 1803 *R.* 8. § 17.

27. The Pundits, in delivering their Bebusta on trials for Dhurna, are not to restrict themselves to the exact definition of Dhurna in the Shaster, but are to regard the common construction of that term in practice, whatever be the technical denomination. *Beng. Ben.* 1799 *R.* 8. § 6. *Ced. Prov.* 1804 *R.* 3. § 10. *C.* 3.

A. D. 1801 28. A person convicted of killing one individual in the deliberate intention of killing another, shall be liable to the punishment of murder notwithstanding any distinction to the contrary in the Muhamedan law; and all such trials shall be referred to the Nizamut Adaulut; and the law officers shall be required to declare the legal punishment to which the prisoner would have been liable if he had committed the intended murder. *Beng. Ben.* 1801 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 2.

29. The same is applicable to all other cases declared by the law officers to be within the Muhamedan law of accidental homicide, if committed with a murderous intention, or in the intention of committing another crime, which, if committed, would have incurred a sentence of death. *Beng. Ben.* 1801 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 3.

30. In cases of accidentally wounding one person in the intention of wounding another, the law officer of the Circuit Court shall similarly declare what would have been the legal punishment of the intended crime. *Beng. Ben.* 1801 *R.* 8. § 4. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 4.

31. And the law officers of the Nizamut Adaulut on the reference of such a trial. *Beng. Ben.* 1801 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 5.

32. The commutation of Deyut into imprisonment is not to be applied to these homicides; and, in homicides clearly unintentional and in prosecution of a lawful act, no imprisonment nor other punishment shall be awarded, though Deyut should be declared to be payable under the Muhamedan law. *Beng. Ben.* 1801 *R.* 8. § 6. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 6.

A. D. 1803 33. In the revision of the criminal trials referred by the Magistrates in the Ceded Provinces previous to the 24th March 1803, the Court of Circuit is not to be guided by the modifications of the Muhamedan law established by the Regulations except for the commutation of mutilation, and where otherwise favourable to the prisoner. *Ced. Prov.* 1803 *R* 51. § 2. *C.* 5.

34.

34. Nor the Nizamut Adaulut. *Ced. Prov.* 1803 *R.* 51. § 3. *C.* 2. A. D. 1803

35. But if persons convicted of murder or other heinous offences be exempted from punishment by any provision of the Muhamedan law, the Court of Circuit, if of opinion that the prisoner's release would be attended with danger, shall refer the trial to the Nizamut Adaulut with an opinion on the imprisonment to be awarded; or may order the prisoner to be detained till he give security for good behaviour and appearance. *Ced. Prov.* 1803 *R.* 51. § 2. *C* 5.

36. On such referred trials the Nizamut Adaulut may pass sentence of imprisonment for life or any other period deemed sufficient, or may direct similar security to be taken from the prisoner before his release. *Ced. Prov.* 1803 *R.* 51. § 3. *C.* 3.

37. The punishment of gang robbery shall not depend on the amount, value or description of the property robbed, nor be barred by the following, or any other, provisions of the Muhamedan law, provided the party convicted be adult and of sound understanding. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 3. *C.* 2.

38. The enumerated bars to punishment by the Muhamedan law are these; one of the gang being under age, or a lunatic, or a relation to the person robbed, or having a joint interest in the property plundered; or the person robbed not being a fixed resident under permanent protection, or the property not being in legal custody with respect to the robbers; or the share of each robber not amounting to the specific value of ten Dirhems. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 1.

39. If no specific penalty have been provided by a Regulation for any crime, and the legal punishment by the Muhamedan law shall on any trial be mitigated by the Futwa, on the grounds of any legal deficiency in the evidence, the law officer shall be required to state what would have been the specific penalty on conviction by legal evidence, and the Circuit Judge shall sentence the prisoner accordingly or transmit the trial to the Nizamut Adaulut if referrible. *Beng. Ben. Ced. Prov.* 1803 *R* 53. *R.* 2. *C.* 3.

40. Also when mitigated on the ground of some special exception repugnant to equal justice. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 4.

41. But when mitigated by the Muhamedan law from circumstances altering the nature, or diminishing the criminality, of the offence, the sentence shall not exceed nor equal the punishment prescribed by the Muhamedan law, unless expressly denounced by a Regulation. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 5.

42. Nor shall any punishment be awarded on weak suspicion called in the Muhamedan law Wuhm, Shuk, or Shoobah Zaeefah, and not amounting to strong suspicion called

A. D. 1803 called Ghalib zun, Akber raee, Shoobah cuvvee, Shoobah shudeed. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 6.

43 These rules are equally applicable to the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 2.

44. When neither a Regulation, nor the Muhamedan law, have provided a specific punishment, the Circuit Judge may on consultation with the law officers adjudge a sentence not exceeding thirty-nine stripes and seven years imprisonment. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 7.

45. And in similar cases the Nizamut Adaulut may pass any sentence less than death, and shall propose a Regulation to provide for the case in future. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 3.

A. D. 1804 46. No sentence shall be passed on crimes committed in Cuttack between the 14th October 1803, and the promulgation of this Regulation, except such as is authorized by the Muhamedan law as it prevailed in that province during that period. *Beng.* 1804 *R.* 4. § 7.

47. Nor on crimes committed in the Conquered Provinces between 30th December 1803 (in Bundelkhund 16th December 1803) and the promulgation of this Regulation. *Ben. Ced. Prov.* 1804 *R.* 9. § 11.

A. D. 1805 48. No Regulation, enhancing the punishment of any offence beyond the Muhamedan law, shall be applicable to any crime committed within the settlements of Chandernagore and Chinsura before the promulgation of this Regulation. 1805 *R.* 16. § 3. *C.* 2.

49. In such cases the sentence shall be according to the Muhamedan law, with any modification favourable to the prisoner; except that in trials for murder, the Futwa and sentence shall be given without reference to the heir, on a supposition that the legal requisition of Kissas has been made. 1805 *R.* 16. § 3 *C.* 3

A. D. 1806 50. And if in any case of an European, or descendant of an European, the punishment denounced by the Muhamedan law be more severe than the law which was in force at the time the settlement came into the possession of the British Government, the punishment shall be regulated by the law then in force. 1806 *R.* 16. § 3. *C.* 4.

LAW PAPERS.

A. D. 1793 1. The Cazee-ul-Cuzat, and all other Cazees, are to keep copies and a list of all law papers, deeds, &c. which they attest or draw up, and such copies and list are to be delivered to their successors. *Beng.* 1793 *R.* 39. § 7. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 7.

2. The Cazees of Zillas and Cities are not to exact any fees for drawing up or attesting any law papers &c. except what the parties may voluntarily agree to pay. *Beng.* 1793 *R.* 39. § 8. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 8. A. D. 1797 Rescinded 1797 R. 6. § 16 C. 1 Revived 1800 R. 7. § 4

3. Law papers, except marriage settlements, and copies of all papers attested by a Cazee, Muftee, or their officers, are to be written on stampt paper of different values from two Annas to one Rupee. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 2. A. D. 1797 Modified 1800 R. 7 § 3

4. Cazees are to deduct for their own use three Annas in each Rupee received for stampt paper used by them and pay thirteen Annas to the Collector. *Beng. Ben.* 1797 *R* 6. § 16. *C.* 1. Rescinded 1800 R. 7 § 4

5. And two Annas on each Rupee, on paper purchased by them in any considerable quantity. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 6. ditto

6. All undefined fees, allowed by Section 8, Regulation 39 of 1793, are abolished. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 1. ditto

7. Cazees are to deliver to Magistrates samples of the paper usually employed for law deeds and copies. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 3.

8. And shall apply to the Collector for requisite supplies. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 4.

9. And shall supply their Mullas. *Beng. Ben* 1797 *R.* 6. § 16. *C.* 5.

10 Any Cazee, &c. attesting a deed or copy not on stampt paper, shall be reported to the Governor General in Council for dismission. *Beng. Ben.* 1797 *R.* 6. § 16 *C.* 6.

11. Law papers and copies are to be written on stampt paper of different values from four Annas to two Rupees, in lieu of the rates specified in Section 16, Regulation 6 of 1797. *Beng. Ben.* 1800 *R.* 7. § 5. *C.* 1. A. D. 1800

12. Collectors are to supply Cazees with law paper. *Beng. Ben.* 1800 *R.* 7. § 12.

13. And may appoint them as Agents for the sale of such paper. *Beng. Ben.* 1800 *R.* 7. § 10.

14. Section 8, Regulation 39 of 1793, authorizing Cazees to accept fees, is again in force, and Section 16, Clause 1, and Section 21, Clause 6, Regulation 6 of 1797 are superseded: and Cazees are to return to Collectors the old stampt paper remaining in their hands. *Beng. Ben.* 1800 *R.* 7. § 12.

15.

A. D. 1805 15. The rules concerning stampt paper for law deeds are not to take place in Cuttack till the expiration of two years from the promulgation of this Regulation. *Beng.* 1805 *R.* 12. § 12.

LEASES.

I. GENERAL RULES.

A. D. 1793 1. The proprietor may let the lands of his estate in any manner he may think proper, under the prescribed restrictions. *Beng.* 1793 *R.* 8. § 52. *Ced. Prov.* 1803 *R.* 30. § 2.

2. But the Pottahs of the Khodkasht Rayats are not to be cancelled except on proof of collusion or in case of a general measurement of the Pergunna. *Beng.* 1793 *R.* 8. § 60. *C.* 2.

3. Leases, made previous to the decennial settlement, and not contrary to Regulation, are to remain in force except on proof of collusion, or unless granted without authority. *Beng.* 1793 *R.* 8. § 60. *C.* 1.

4. And no lease shall be made for more than ten years; nor leases be renewed, except in the last year; all leases contrary to this rule, or in evasion of it, are void. *Beng.* 1793 *R.* 44. § 2. *Ben.* 1795 *R.* 50. § 2. *Ced. Prov.* 1803 *R.* 47. § 2. *C.* 2.

5. But leases may be granted for any term of years, or in perpetuity, to natives, for the erection of houses and buildings, or for gardens &c. *Beng.* 1793 *R.* 44. § 8. *Ben.* 1795 *R.* 50. § 7. *Ced. Prov.* 1803 *R.* 47. § 8.

6. And landholders may sell or give any part of their lands as a dependant Talook. *Beng.* 1793 *R.* 44. § 6. *Ben.* 1795 *R.* 50. § 6. *Ced. Prov.* 1803 *R.* 47. § 8.

7. Mokururee leases, granted by the actual proprietor of the soil, shall not be infringed by the proprietor or by the officer of Government, if the lessee have held the land at a fixed rent more than twelve years, nor by the proprietor though the lessee should not have held the land so long at a fixed rent. *Beng.* 1793 *R.* 8. § 49.

8. But in the latter case the officers of Government, or a farmer, if the lands be held Khas or let in farm, may assess the lessee at the Pergunna rate. *Beng.* 1793 *R.* 8. § 50.

9. No dependant Talookdar is liable to an increase of rent, unless liable to it by special custom, or by the conditions of the tenure or by having received abatements in his Jumma. *Beng.* 1793 *R.* 8. § 51. *C.* 1. *Ced. Prov.* 1803 *R.* 47. § 6. *C.* 1.

10. Under penalty of double the exaction and costs of suit. *Beng.* 1793 *R.* 8. § 51. *C.* 2. *Ced. Prov.* 1803 *R.* 47. § 6. *C.* 2. A. D. [illegible]

11. The landholders are to revise with the Rayats, and consolidate with the Asul into one specific sum, all Abwab, Mut'hot'h, &c. and complete the consolidation by the end of the year 1198. *Beng.* 1793 *R.* 8. § 54. *Ced. Prov.* (by the end of 1215,) 1803 *R.* 30. § 4.

12. And are prohibited imposing any new Abwab, &c. under penalty of three times the amount, for the whole period of the imposition. *Beng.* 1793 *R.* 8. § 55. *Ced. Prov.* 1803 *R.* 30. § 5.

13. After the year 1198 all claims of rent on engagements which do not consolidate the Asul and Abwab are to be nonsuited. *Beng.* 1793 *R.* 8. § 61. *Ben.* (after 1204) 1795 *R.* 51. § 6. Postponed 1794 R. 2 § 4 R. 4 § 4. Modified 1794 R. 4 § [illegible]

14. Pottahs, if the parties mutually agree, are to be for a specific sum for a certain quantity of land: but if the parties prefer rates varying according to the article cultivated, the Pottah shall specify the quantity of land, species of produce, rate and amount of rent, and term of the lease; with a stipulation for the execution of new engagements if the species of produce be changed; and in such event new engagements shall be executed accordingly. *Beng.* 1793 *R.* 8. § 56. *Ced. Prov.* 1803 *R.* 30. § 6.

15. The rent, by whatever rule or custom regulated, shall be specifically stated in the Pottah, which in every possible case shall contain the exact sum to be paid by the Rayats. *Beng.* 1793 *R.* 8. § 57. *C.* 1. *Ced. Prov.* 1803 *R.* 30. § 7. *C.* 1.

16. And if adjustable on measurement after cultivation, or on survey of the crop, or payable in kind, the rate and terms of payment and proportion of crop, with every other condition, shall be clearly specified. *Beng.* 1793 *R.* 8. § 57. *C.* 2. *Ced. Prov.* 1803 *R.* 30 § 7. *C.* 2.

17. Landholders shall prepare a form of Pottah for the Collector's approbation, and register it in the Zilla Courts, and in each Cuchery of the estate. *Beng.* 1793 *R.* 8. § 58. *Ben.* 1795 *R.* 51. § 8. Modified 1794 R. 4 § [illegible]

18. And shall give or tender to the tenants such Pottahs; and in case of refusal of Pottahs when demanded by the Rayats, shall incur the penalty of a fine on proof in a Civil Court. *Beng.* 1793 *R.* 8. § 59. *Ced. Prov.* 1803 *R.* 30. § 11. Modified 1794 R. 4 § 8.

19. Farmers are not to grant Pottahs beyond their own lease, nor agents without the authority of their principal. *Beng.* 1793 *R.* 8. § 59. *Ced. Prov.* 1803 *R.* 30. § 11.

L. D. 1793

20. Every engagement with under-farmers shall be specific; and any thing, received beyond it, shall be repaid with double penalty. *Beng.* 1793 *R.* 8. § 52. *Ced. Prov.* 1803 *R.* 30. § 2.

21. Landholders shall not contract any engagement with a farmer contrary to this Regulation. *Beng.* 1793 *R.* 8. § 65.

22. All persons, employed by landholders in the collection of rents, shall have an Amilnama. *Beng.* 1793 *R.* 8. § 53. *Ced. Prov.* 1803 *R.* 30. § 3.

23. Rayats in the Salt Mehals, while held Khas, are to receive their Pottahs from the Collector. *Beng.* 1793 *R.* 8. § 101.

Modified 1794 R. 7 § 18. C. 3.

24. Leases and engagements, in estates attached under charge of Ameens for default of revenue, shall not be infringed by the Ameen; and the tenants of such estates may sue the Ameen for infringing their leases. *Beng.* 1793 *R.* 14. § 6. *Ben.* 1795 *R.* 6. § 15. *Ced. Prov.* 1803 *R.* 27. § 15. *C.* 1.

25. Or in estates attached for sale in execution. *Beng.* 1793 *R.* 45. § 7. *Ben.* 1795 *R.* 20. § 7. *Ced. Prov.* 1803 *R.* 26. § 21.

26. After the 10th April 1794, all engagements of landholders with tenants in other than Sicca Rupees shall not be recoverable in the Civil Courts. *Beng.* 1793 *R.* 35. § 21. *Ced. Prov.* (after the beginning of 1216) 1803 *R.* 45. § 26.

27. Leases, not repugnant to the Regulations, are not affected by the division of an estate. *Beng.* 1793 *R.* 44. § 3. *Ben.* 1795 *R.* 50. § 3. *Ced. Prov.* 1803 *R.* 47. § 3.

28. Nor by a private transfer or descent or public sale in execution. *Beng.* 1793 *R.* 44. § 4. *Ben.* 1795 *R.* 50. § 4. *Ced. Prov.* 1803 *R.* 47. § 4.

Modified 1796 R. 3 § 9. 1799 R. 7 § 29. C. 5 1801 R. 1 § 9

29. But, in case of the estate being sold for recovery of arrears, all leases and Pottahs to farmers and Rayats, and all engagements with dependant Talookdars, shall be void; and the purchaser may collect according to the rates of the Pergunna. *Beng.* 1793 *R.* 44. § 5. *Ben.* 1795 *R.* 50. § 5. *Ced. Prov.* 1803 *R.* 47. § 5.

Re-enacted 1804 R. 1 § 10

30. Except leases to invalided Sepoys for their Jageers. *Beng.* 1793 *R.* 43. § 6.

31. And bonâ fide leases to natives for erecting houses and other buildings. *Beng.* 1793 *R.* 44. § 8. *Ben.* 1795 *R.* 50. § 7.

32. And except the Talookdars declared not liable to enhancement of rent, by Section 51, Regulation 8. *Ben.* 1793 *R.* 44. § 7.

33.

33. The manager of a landholder disqualified on account of minority is not to grant any lease extending beyond the life of the proprietor. *Beng.* 1793 *R.* 10. § 16. *Ced. Prov.* (the minority of the proprietor) 1803 *R.* 52. § 20. A. D. 1

34. Leases and other limited assignments of land, or other real property, may be registered in the office for the registry of deeds. *Beng.* 1793 *R.* 36. § 3. *C.* 4. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 4.

35. But the omission of registering deeds made prior to 1st January 1796, shall not affect the rights of the parties. *Beng.* 1793 *R.* 36. § 4. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 4.

36. Nor the omission of registering leases executed subsequently. *Beng.* 1793 *R.* 36. § 5. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 5.

37. The delivery of Pottahs, and the operation of Section 61, Regulation 8 of 1794, are postponed in Bhaugulpoor till Katic 1201. *Beng.* 1794 *R.* 2. § 2. A. D. 1794

38. In Purnea till the end of 1200, and in Nuddea till the end of 1201. *Beng.* 1794 *R.* 4 § 4.

39. None of these rules are to be considered applicable to the Behar portion of Zilla Ramghur. *Beng.* 1794 *R.* 4. § 2.

40. After the Collector's approbation shall have been obtained to the form of Pottahs, if the landholders &c. shall affix a notification in the principal Cucheries that the Pottahs are ready for delivery, and stating when and where they may be obtained by application, such notification shall be deemed a legal tender of Pottahs. *Beng.* 1794 *R.* 4. § 5. *Ben.* 1795 *R.* 51. § 7.

41. The Rayats are entitled to have their Pottahs renewed, whether expired, or cancelled by Regulation 44 of 1793, at the established Pergunna rates. *Beng.* 1794 *R.* 4. § 7. *Ben.* 1795 *R.* 51. § 10. *Ced. Prov.* 1803 *R.* 30. § 10.

42. The approbation of the Collector extends only to the form of the Pottahs. *Beng.* 1794 *R.* 4. § 6. *Ben.* 1795 *R.* 51. § 8.

43. Any dispute regarding the rates shall be decided in the Zilla Courts, according to the established Pergunna rates. *Beng.* 1794 *R.* 4. § 6. *Ben.* 1795 *R.* 51. § 9. *Ced. Prov.* 1803 *R.* 30. § 9.

44. Pottahs to Rayats in Benares, granted by the landholders in the Moshukhusee lands and by the Amils in the Amanee lands, are to contain the Asul and Abwab as they A. D. 1795

A. D. 1795 they stood in 1187, consolidated where the rents are paid in money; and the modes, and the rates of division, where paid in kind; to be adjusted on reference to the Putwarees and Canongoes. *Ben.* 1795 *R.* 51. § 2. *C.* 1.

45. Are to be for one general rate, if the parties should agree thereto. *Ben.* 1795 *R.* 51. § 2.

46. Are to specify the number and description of Begha, with the consolidated rate of assessment on each description of Begha. *Ben.* 1795 *R.* 51. § 2. *C.* 3.

47. Are to have a detailed specification of all particulars. *Ben.* 1795 *R.* 51. § 2. *C.* 6.

48. According to a prescribed form. *Ben.* 1795 *R.* 51. § 2. *C.* 7.

49. And are to be signed by the landholders in the Moshukhusee lands, and by the Amils in the Amanee lands, and attested by the Canongoes. *Ben* 1795 *R.* 51. § 2. *C.* 5.

50. Subordinate Putteedars are entitled on application to similar Pottahs. *Ben.* 1795 *R.* 51. § 2. *C.* 4.

51. If the Ameens, deputed in Benares to carry into effect the delivery of Pottahs, shall have authorized any Pottahs contrary to the letter and spirit of the above form, such Pottahs are to be adjudged invalid in the Courts of Justice. *Ben.* 1795 *R.* 51. § 5.

52. Landholders and farmers in Benares are allowed to the end of 1204 for issuing the Pottahs; after which all claims of rent on engagements contrary to the form prescribed, or to such other form as the Collector with the sanction of Government may prescribe, shall be nonsuited in the Civil Courts. *Ben.* 1795 *R.* 51. § 6.

53. Except the local usages of Agore Betaye in Pergunna Chownsa. *Ben.* 1795 *R.* 51. § 3. *C.* 3.

54. And of annual valuation in Pergunna Kurindeh. *Ben.* 1795 *R.* 51. § 3. *C.* 9.

55. And except the Pergunna of Muhamedabad, where the descendants of the old Zemindars are permitted to decline taking Pottahs. *Ben.* 1795 *R* 51. § 3. *C.* 10.

56. The Khodkasht tenants are entitled to have their Pottahs renewed at the established rates whenever expired or cancelled, but landholders &c. have the option of renewing or not the leases of Pickasht tenants. *Ben.* 1795 *R.* 51. § 10.

57. When any deviation from the form directed in Clause 7, Section 2, is deemed necessary by the Collector, the amended form shall be registered in the Dewannee Adaulut. *Ben.* 1795 *R.* 51. § 8.

58.

58. A [illegible] those under farmers, a part only of the lands [illegible] *Beng. Ben.* 1798 *R.* 3. § 3.

59. Ameens in charge of attached lands are to collect the rents according to the Pergunna rates, notwithstanding engagements evidently collusive and contrived in expectation of the attachment. *Beng.* 1799 *R.* 7. § 23. *C.* 3. *Ben.* 1800 *R.* 5. § 24. *Ced. Prov.* 1803 *R.* 27. § 15. *C.* 3. A. D. 1801

60. All disputes between a purchaser of land at public sale and the under tenants are to be settled by due course of law, in like manner as they should have been between the under tenants and the former proprietor; but such purchaser may eject, without application to the Adaulut, the under renters whose leases are cancelled by Regulation 44 of 1793, and who decline to renew them on such terms as he is authorized to require. *Beng.* 1799 *R.* 7. § 29. *C.* 5. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 11.

61. Section 5, Regulation 44 of 1793, was not intended to annul the leases or to affect the tenures of the Istumrardars mentioned in Section 19, Regulation 8 of 1793, who, being by Section 19, Regulation 8 of 1793, declared a species of Pottah Talookdars, are included in the exemption of Section 7, Regulation 44 of 1793. *Beng.* 1799 *R.* 7. § 29. *C.* 5.

62. If an arrear of rent be not liquidated within the current year, the defaulter, if an under farmer for the past year only, can have no claim to any further lease; and, though the lease may not have expired, the lessor has the option to annul it in consequence of his failure in the payment of the stipulated rent; or, if the defaulter be a leaseholder or other tenant having a right of occupancy so long as the rent be paid, the landholder may oust the defaulter without application to the Adaulut. *Beng.* 1799 *R.* 7. § 15. *C.* 7. *Ben.* 1800 *R.* 5. § 14. *C.* 7. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 7.

63. The tenants may sue the landholders, &c. in the Civil Court, and recover costs and damages for any infringement of their rights, whether founded on Pottahs or other written engagements, or on prescription and established usage. *Beng.* 1799 *R.* 7. § 15. *C.* 7. *Ben.* 1800 *R.* 5. § 14. *C.* 7. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 7.

64. If a public sale of lands should take place after the second month of the year, leases granted for the current year by the proprietor before his estate was attached, unless collusive, are not to be cancelled under Section 5, Regulation 44 of 1793, and Section 3, Regulation 3 of 1796, until the end of the year. *Beng. Reg.* 1801 *R.* 1. § 9. A. D. 1801

A. D. 1805. 65. All persons with whom a settlement is made in the Ceded Provinces, shall bind themselves, under such penalty as the Collector may think proper, to grant Pottahs to the under renters specifying the amount which they are to pay. *Ced. Prov.* 1803 *R.* 27. § 53. *C.* 11. *Conq. Prov.* 1805 *R.* 9. § 14. *Cuttack* 1805 *R.* 12. § 4. *C.* 13.

66. And in such Pottahs all authorized Abwab shall be consolidated with the land-rents and expressed in one gross sum. *Ced. Prov.* 1803 *R.* 27. § 53. *C.* 12. *Conq. Prov.* 1805 *R.* 9. § 13. *Cuttack* 1805 *R.* 12. § 4. *C.* 12.

67. The expiration of the year 1215 is fixed for the general delivery of such Pottahs. *Ced. Prov.* 1803 *R.* 30. § 4. *Conq. Prov.* (three years from the formation of a settlement) 1805 *R.* 8. § 20. *C.* 2. *Cuttack* (the end of the year 1215) 1805 *R.* 12. § 7.

68. Landholders &c. are to prepare a form of Pottah adapted to the circumstances of their estates. *Ced. Prov.* 1803 *R.* 30. § 8.

69. Such under tenants, in the Ceded Provinces, as by the condition of their tenure are not liable to an increase of rent, and have paid a fixed, invariable rent for twelve complete years before the 10th November 1801, shall be exempt from all enhancement of the fixed rent by the proprietor, farmer and officers of Government. *Ced. Prov.* 1803 *R.* 30. § 12.

70. Persons, with whom a triennial or quartennial settlement is made in the Ceded Provinces, shall not grant a lease beyond the term of their own settlement. *Ced. Prov.* 1803 *R.* 47. § 2. *C.* 1.

71. Leases to Talookdars may be renewed at any time, for a period not exceeding ten years, if by mutual consent and without fraud. *Ced. Prov.* 1803 *R.* 47. § 2. *C.* 3.

II. *SPECIAL CASES.*

1. INDIGO.

A. D. 1795 1. The following are the terms on which Europeans in Benares may hold land for the cultivation of indigo. *Ben.* 1795 *R.* 33. § 1.

2. Rules of the 23d May 1794.

3. All existing bonâ fide leases, obtained before the 20th March 1794, shall remain in force till they expire, but not beyond the decennial settlement. *Ben.* 1795 *R.* 33. § 4. *C.* 2.

4. Leases obtained since are void, and the lessee shall be dispossessed. *Ibid* *C.* 3.

5.

5. No new leases shall be granted, [illegible] pain of the Europeans being sent to Calcutta. *Ben.* 1795 *R.* 33. § 4. *C.* 4.

6. After the expiration of the decennial settlement no European shall hold more than fifty Beghas of land. *Ibid C.* 5.

7. Rules of 4th July 1794.

8. The land, obtained by Europeans on fair and voluntary engagements, may be measured to them if not liable to any of the following objections. *Ben.* 1795 *R.* 33. § 7. *C.* 1.

9. The lease must be from the Pottahdar of Government, and not from any of the subordinate Puteedars. *Ibid C.* 2.

10. The lease shall not be for more than a suitable Rayatee tenure in proportion to the whole land included in the Pottah of Government. *Ibid C.* 3.

11. The lease of a Pottahdar for the land of a Khodkasht Rayat is not valid without the concurrence of the Rayat. *Ibid C.* 4.

12. A lease by an Amil is to be under the same restrictions with a lease by a Pottahdar, and must have the consent of the Canongoes. *Ibid C.* 5.

13. Rules of 12th July 1794.

14. Pottahdars and Amils are alone competent to lease land to Europeans. *Ben.* 1795 *R.* 33. § 8. *C.* 2.

15. Pottahdars shall not lease the lands of Khodkasht tenants without their consent. *Ibid C.* 3.

16. Rules of 22d July 1794.

17. Europeans may take leases from Khodkasht Rayats or distinct Puteedars. *Ben.* 1795 *R.* 33. § 9. *C.* 1.

18. The Canongoes are to fix the ready money rents payable by the Rayats and Puteedars on lands thus rented for indigo, if they formerly paid their rents to the Pottahdar or Amil in kind. *Ibid C.* 2.

2. Invalids.

1. Leases to invalided Sepoys are to be on the following conditions. *Beng.* 1793 *R.* 43. § 5. *C.* 1. A. D. 1793 Re-enacted 1804 R. 1 § 9

Ar. R. 1795 Re-enacted 1804 R. 1 § 9

2. The land is to continue the property of the [illegible]. *Beng.* 1793 *R.* 43. § 5. *C.* 2.

ditto

3. The lease is to include Julkur, Bunkur and Phulkur. *Beng.* 1793 *R.* 43. § 5. *C.* 3.

ditto

4. The land is to be rent-free during the life of the invalid, and to devolve to his heirs. *Beng.* 1793 *R.* 43. § 5. *C.* 4.

ditto

5. Heirs, during the first five years, shall pay one-tenth as Malikana to the proprietor. *Beng.* 1793 *R.* 43. § 5. *C.* 5.

ditto

6. And after five years shall pay for ever a rent equal to two-thirds of the usual rents in the district. *Beng.* 1793 *R.* 43. § 5. *C.* 6.

Modified 1795 R. 46 § 2 C. 1

7. If the invalid die within seven years, the heir shall hold the land rent-free till the end of seven years. *Beng.* 1793 *R.* 43. § 5. *C.* 7.

Re-enacted 1804 R. 1 § 9

8. If the invalid leave no heirs, a fresh man may take the land on the same terms with an heir; otherwise it shall revert to the proprietor. *Beng.* 1793 *R.* 43. § 5. *C.* 8.

ditto

9. Or if the heir of an invalid should not be willing to receive the land on the prescribed terms. *Beng.* 1793 *R.* 43. § 5. *C.* 9.

ditto

10. If an invalid neglect the tillage of the land two years, the land shall be given to another invalid or heir of an invalid, on the same terms; otherwise it reverts to the proprietor. *Beng.* 1793 *R.* 43. § 5. *C.* 10.

ditto

11. Or if an invalid's heir neglect the tillage one year. *Beng.* 1793 *R.* 43. § 5. *C.* 11.

ditto

12. Such parts of an invalid's Jageer as have not been brought into cultivation at the period of assessing it, may be resumed by the proprietor; unless the invalid's heir agree to pay for them as cultivated land. *Beng.* 1793 *R.* 43. § 5. *C.* 12.

ditto § 16

13. The leases to invalided Sepoys for their Jageers are not cancelled, under Section 5, Regulation 44, by a sale of the estate in which they are situated. *Beng.* 1793 *R.* 43. § 6.

ditto § 9

14. The Malikana and rent are to be collected by the Collectors and accounted for to the proprietor by Government, without his being liable to any increase of revenue on such account. *Beng.* 1793 *R.* 43. § 5. *C.* 13.

ditto

15. And the proprietor may keep an Agent at the T'hana to keep the accounts of Malikana and rent. *Beng.* 1793 *R.* 43. § 5. *C.* 15.

16.

16. But when the officers of Government shall have been withdrawn from a T'hana, the proprietor is to recover his rents himself. *Beng.* 1793 *R.* 43. § 6. *C.* 17.

17. Each invalid and his heir is to receive a Pottah from the proprietor at each period of obtaining possession and of becoming liable to assessment. *Beng.* 1793 *R.* 43. § 5. *C.* 14.

18. When all the Jageers in a T'hana shall have become permanently assessed, the officers of Government are to be withdrawn, and the T'hana is to be on the same footing with other villages. *Beng.* 1793 *R.* 43. § 5. *C.* 16.

19. After the officers of Government shall have been withdrawn from a T'hana, the Jageers of persons dying without heirs and intestate, shall devolve to the proprietor. *Beng.* 1793 *R.* 43. § 5. *C.* 18.

20. All other stipulations between Government and the Zemindar shall be binding; and all disputes regarding the invalid's tenures shall be decided in the Dewannee Adaulut. *Beng.* 1793 *R.* 43. § 5. *C.* 19.

21. The following are the terms, on which invalided Sepoys hold their lands, under the resolutions of Government passed on the 18th February 1789, and 24th December 1790. *Beng.* 1793 *R.* 43. § 33. *Ben.* 1795 *R.* 43. § 1.

22. The original grantee shall hold the land rent-free during life. *Beng.* 1793 *R.* 43 § 33. *C.* 7. *Ben* 1795 *R.* 43. § 2 *C.* 5.

23. And receive a Sunnud from the Collector. *Beng.* 1793 *R.* 43. § 33. *C.* 8. *Ben.* 1795 *R.* 43. § 2. *C.* 6.

24. If the invalid die within five years, his heirs shall hold the land rent-free till the end of the five years. *Beng.* 1793 *R.* 43. § 33. *C.* 11. *Ben.* 1795 *R.* 43. § 2. *C.* 9.

25 The heirs of the grantee shall hold the land at a fixed Jumma to be assessed by the Collectors with ten per cent Malikana payable to the Zemindar. *Beng.* 1793 *R.* 43. § 33. *C.* 9. *Ben.* 1795 *R.* 43. § 2. *C.* 7.

26. And shall receive Mokurruree Sunnuds from the Collector. *Beng.* 1793 *R.* 43. § 33. *C.* 10 *Ben.* 1795 *R.* 43. § 2. *C.* 8.

27. These shall be liable to sale for failure in payment of the rent to Government or of the Malikana to the Zemindar. *Beng.* 1793 *R.* 43. § 33. *C.* 12. *Ben.* 1795 *R.* 43. § 2. *C.* 10.

A. D. 1793 28. Zemindars are not liable to any additional demand from Government on account of the assessment on the lands of invalids after the death of the grantees, which shall belong solely to the Zemindar. *Beng.* 1793 *R.* 43. § 33. *C.* 14. *Ben.* 1795 *R.* 43. § 2. *C.* 12.

A. D. 1795 Re-enacted 1804 R. 1 § 9 C. 7 29. If an invalid die within ten years from obtaining possession of his Jageer, his heir shall hold it rent-free till the expiration of ten years. *Beng.* 1795 *R.* 56. § 2. *C.* 1.

ditto 30. Government will indemnify the landholder for the rent which he would have been entitled to from the heirs of invalids dying between the seventh and tenth years. *Beng.* 1795 *R.* 56. § 2. *C.* 2.

A. D. 1804 31. Leases to invalided Sepoys are to be on the following conditions. *Beng.* 1804 *R.* 1. § 9. *C.* 1.

32. The land is to continue the property of the landholder. *Beng.* 1804 *R.* 1. § 9. *C.* 2.

33. The lease is to include Julkur, Bunkur and Phulkur. *Beng.* 1804 *R.* 1. § 9. *C.* 3.

34. The land is to be rent-free during the life of the invalid and to devolve to his heirs. *Beng.* 1804 *R.* 1. § 9. *C.* 4.

35. Heirs during the first five years shall pay one tenth as Malikana to the proprietor. *Beng.* 1804 *R.* 1. § 9 *C.* 5.

36. And after five years shall pay for ever a rent equal to two-fifths of the annual produce. *Beng.* 1804 *R.* 1. § 9. *C.* 6.

37. If the invalid die within seven years, the heirs shall hold the land rent-free till the end of seven years. *Beng.* 1804 *R.* 1. § 9. *C.* 7.

38. If the invalid leave no heirs, a fresh man may take the land on the same terms with an heir: otherwise it shall revert to the proprietor. *Beng.* 1804 *R.* 1. § 9. *C.* 8.

39. Or if the heir of an invalid should not be willing to receive the land on the prescribed terms. *Beng.* 1804 R. 1. § 9. *C.* 9.

40. If an invalid neglect the tillage of the land one year, the land shall be given to another invalid, or heir of an invalid, on the same terms: otherwise it reverts to the proprietor. *Beng.* 1804 *R.* 1. § 9. *C.* 10.

41.

41. Such parts of an invalid's Jageer, as shall not have been brought into cultivation at the period of assessing it, may be resumed by the proprietor, unless the invalid's heirs agree to pay for them as cultivated land. *Beng.* 1804 *R.* 1. § 9. *C.* 11.

42. The Malikana and rent are to be collected by the Collector, and accounted for to the proprietor by Government, without his being liable to any increase of revenue on such account. *Beng.* 1804 *R.* 1. § 9. *C.* 12.

43. And the proprietor may keep an Agent at the T'hana to keep the accounts of Malikana and rent. *Beng.* 1804 *R.* 1. § 9. *C.* 13.

44. Each invalid and his heir is to receive a Pottah from the proprietor at each period of obtaining possession and of becoming liable to assessment. *Beng.* 1804 *R.* 1. § 9. *C.* 13.

45. When all the Jageers in a T'hana shall have become permanently assessed, the officers of Government are to be withdrawn, and the T'hana is to be on the same footing with other villages. *Beng.* 1804 *R.* 1. § 9. *C.* 15.

46. After the officers of Government shall have been withdrawn from a T'hana, the Jageers of persons dying without heirs and intestate shall devolve to the proprietor. *Beng.* 1804 *R.* 1. § 9. *C.* 16.

47. All other stipulations made between the invalids and Zemindar shall be binding on the parties, and all disputes regarding their tenures shall be decided in the Dewannee Adaulut. *Beng.* 1804 *R.* 1. § 9. *C.* 17.

48. The leases to invalided Sepoys for their Jageers are not cancelled under Section 5, Regulation 44 of 1793, by a sale of the estate in which they are situated. *Beng.* 1804. *R.* 1. § 10.

LICENSES.

1. Licenses from the revenue Collector of the district must be obtained for the manufacture and sale of spirituous liquors. *Beng.* 1793 *R.* 34. § 2. *Ben.* 1795 *R.* 47. § 2. *Ced. Prov.* 1803 *R.* 40. § 2. A. D. 1798

2. Or for working a still for private use. *Beng.* 1793 *R.* 34. § 7. ext. *Ben.* 1795 *R.* 47. § 4. *Ced. Prov.* 1803 *R.* 40. § 7.

3. And for the sale of intoxicating drugs. *Beng.* 1793 *R.* 34. § 18. ext. *Ben.* 1795 *R.* 47. § 8. *Ced. Prov.* 1803 *R.* 40. § 16.

4.

A. D. 1798 Re-enacted 1800 R. 6 § 9

4. The license is to be in a specific form; but the Collector may introduce any variation, necessary from local circumstances. *Beng.* 1793 *R.* 34. § 10. ext. *Ben.* 1795. *R.* 47. § 6. *Ced. Prov.* 1803 *R.* 40. § 10.

ditto § 10

5. The party receiving a license is to execute a counterpart engagement. *Beng.* 1793 *R.* 34. § 11. ext. *Ben.* 1795 *R.* 47. § 6. *Ced. Prov.* 1803 *R.* 40. § 11.

ditto § 13

6. The licenses are to be issued for one year only. *Beng.* 1793 *R.* 34. § 15. ext. *Ben.* 1795 *R.* 47. § 6. *Ced. Prov.* 1803 *R.* 40. § 20.

ditto § 17

7. And are to be issued and registered in numerical order, and according to their dates. *Beng.* 1793 *R.* 34. § 14. ext. *Ben.* 1795 *R.* 47. § 6. *Ced. Prov.* 1803 *R.* 40. § 24.

8. The form of license is to be affixed at each authorized place of manufacture. *Beng* 1793 *R* 34. § 9 ext. *Ben.* 1795 *R.* 47. § 6. *Ced. Prov.* 1803 *R.* 40. § 9.

9. A license from a Magistrate must be obtained for building or using boats of prohibited dimensions. *Beng.* 1793 *R.* 22. § 20. *C.* 1.

10. Such license is to be in writing under the Magistrate's official seal and signature, and is constantly to remain on board of the boat; if the boat be transferred with leave of the Magistrate, his sanction is to be endorsed on the license. *Beng* 1793 *R.* 22. § 20. *C.* 5.

A. D. 1795

11. Licenses for importing salt into Calcutta by sea may be granted on application to the Board of Trade. *Beng.* 1795 *R.* 52. § 2 & 3.

12. They are to be in a specified form; and a fee of sixteen Rupees is to be paid for each license at the salt office. *Beng.* 1795 *R.* 52. § 13.

13. The license must be kept on board of the vessel for production, and is to be surrendered on the vessel's return. *Beng* 1795 *R.* 52. § 11.

14. And until its surrender the salt shall not be paid for. *Beng.* 1735 *R.* 52. § 6.

A. D 1797

15. Licenses for the vend of spirituous liquors or drugs are to be on stampt paper paying a duty of five, ten, fifteen, twenty-five, forty and fifty Rupees according to the different rates of tax at six and twelve Annas, one and a quarter, two and a half, four and five Rupees per diem. *Beng. Ben.* 1797 *R.* 10. § 3 *Ced. Prov.* 1803 *R.* 40. § 25. *C.* 2.

16. A Collector, issuing such license unstampt, shall be dismissed; and the vender, using an unstampt license, shall be liable to the same penalties with unlicensed venders. *Beng. Ben* 1797 *R.* 10. § 5. *Ced. Prov.* 1803 *R.* 40. § 27.

17.

17. Licenses for the sale of intoxicating drugs shall be in a specified form. *Beng. Ben.* 1800 *R.* 6. § 4. *Ced. Prov.* 1803 *R.* 40. § 16. A. D. 1803.

18. And on stamped paper paying a duty of two, four, six or ten Rupees, according to the rates of tax at four, eight or twelve Annas, or one Rupee. *Beng. Ben.* 1800 *R.* 6. § 6. *Ced. Prov.* 1803 *R.* 40. § 25. *C.* 1.

19. The party receiving a license is to execute a counterpart, and the form may be altered by the Collectors and Magistrates, for purposes of Police, and to adapt it to Punsaries &c. who sell other articles besides drugs. *Beng. Ben.* 1800 *R.* 6. § 5. *Ced. Prov.* 1803 *R.* 40. § 17.

20. No license is to be granted for the sale of Churus and Madut or Kapa. *Beng. Ben.* 1800 *R.* 6. § 8. *Ced. Prov.* 1803 *R.* 40. § 19.

21. Licenses according to a prescribed form are to be issued for the sale of spirituous liquors; but the Collectors may vary the terms for local reasons or in conformity to the instructions of the Magistrates. *Beng. Ben.* 1800 *R.* 6. § 9. *Ced. Prov.* 1803 *R.* 40. § 10.

22. The counterpart engagements are to be similar to the new form of license. *Beng. Ben.* 1800 *R.* 6. § 10. *Ced. Prov.* 1803 *R.* 40. § 11.

23. Licenses from the Collector must be obtained for the sale of Tarce by any persons, either Pasees, retailing it whether in a fermented state or not, and by all persons, whether Pasees or not, retailing it in a fermented state; and such licenses are to be on stamped paper, paying duty of two, four, six or ten Rupees, according to the rate of tax, at four, eight or twelve Annas, or one Rupee. *Beng. Ben.* 1800 *R.* 6. § 11.

24. The Board of Revenue shall reduce and limit hereafter, as much as possible, the number of licenses. *Beng. Ben.* 1800 *R.* 6. § 21.

25. The Collectors are to consult the Magistrates on the subject, and send the Magistrate's opinion to the Board, who shall fix the number of licenses, but not exceed the limitation recommended by the Magistrates. *Beng. Ben.* 1800 *R.* 6. § 23. *Ced. Prov.* 1805 *R.* 8. § 26. *C.* 3.

26. A list of the licenses is to be furnished by the Collector to the Magistrate. *Beng. Ben.* 1800 *R.* 6. § 17. *Ced. Prov.* 1803 *R.* 40. § 24.

27. The Magistrate may, by precept to the Collector, order any license to be withdrawn on proof of misconduct. *Beng. Ben.* 1800 *R.* 6. § 23.

A. D. 1800 28. The licenses are to be for one year or for the remaining part of the year if issued during the year. *Beng. Ben.* 1800 *R.* 6. § 13. *Ced. Prov.* 1803 *R.* 40. § 20.

29. But may be relinquished at any time on payment of the tax up to the time. *Beng. Ben.* 1800 *R.* 6. § 16. *Ced. Prov.* 1803 *R.* 40. § 23.

30. The licenses are to be issued and registered in numerical order, and according to their dates. *Beng. Ben.* 1800 *R.* 6. § 17. *Ced. Prov.* 1803 *R* 40. § 24.

31. They shall be forfeited, for non-payment of the duty, at the fixed periods, by persons who have given security. *Beng. Ben.* 1800 *R.* 6. § 15. *Ced. Prov.* 1803 *R.* 40. § 22.

32. And for non-payment of it daily by persons who have not given security. *Beng. Ben.* 1800 *R.* 6. § 14. *Ced. Prov.* 1803 *R.* 40. § 21.

33. And for any breach of the Regulations. *Beng. Ben.* 1800 *R.* 6. § 29. *Ced. Prov.* 1803 *R.* 40. § 41.

34. And for selling at any except the licensed place. *Beng. Ben.* 1800 *R.* 6. § 13. *Ced. Prov.* 1803 *R.* 40. § 20.

35. Licenses by the Calcutta Justices, for the manufacture of spirituous liquors intended to be sold in Calcutta, shall exempt the manufacturer from duties in the Zilla where the still may be established; but shall not authorize the sale of liquor at such place, nor at any other place beyond the limits of Calcutta. *Beng. Ben.* 1800 *R.* 6. § 32.

36. Licenses for the sale of liquor within a military cantonment may be granted by the Collector, on application of the Commanding Officer, subject to such duties as the Collector and Commanding Officer may fix. *Beng. Ben.* 1800 *R.* 6. § 34. *Ced. Prov.* 1803 *R.* 40. § 13.

37. Licenses for the manufacture of spirituous liquors by Europeans or their descendants for exportation, shall be granted by the Board of Revenue according to a form to be approved by Government. *Beng. Ben.* 1800 *R.* 6. § 33.

A. D. 1802 38. Licenses, signed by three Justices of the Peace for the Twenty-four Pergunnas, must be obtained for the establishment of a distillery worked in the European manner. 1802 *R.* 2. § 2.

39. Forfeitable for breach of the Regulations. 1802 *R.* 2. § 15.

40.

40. And a license signed by one or more of the Justices must be obtained for the retail sale of the produce of such distilleries beyond the limits of Calcutta. 1802 *R.* 2. § 22.

41. The license is to be in a specified form. 1802 *R.* 2. § 24.

42. It may be resumed at the pleasure of any one Justice. 1802 *R.* 2. § 22.

43. Such license shall not authorize the sale of spirits made in the country stills. 1802 *R.* 2. § 25.

LIMITATION OF ACTIONS.

1. Suits are not to be heard if the cause of action originated before 19th August 1765, or twelve years before suit brought, except on proof of demand made and admitted, or of claim preferred to a competent Court within twelve years with satisfactory reasons for not having proceeded therein, or of minority or other good cause. *Beng.* 1793 *R.* 3. § 14. A. D. 1793 Modified 1805 R. 2 § 9.

2. Suits already decided in a competent Court shall not be heard: if the competency of the former Court be doubted, reference shall be made to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 3. § 16. *Ben.* 1795 *R.* 7. § 10. *Ced. Prov.* 1803 *R.* 2. § 10.

3. No claim for holding land rent-free shall be heard if the land have been subjected to rent twelve years preceding the institution of the claim, unless on good cause shown for the neglect. *Beng.* 1793 *R.* 19. § 2. *C.* 2. *R.* 37. § 2. *C.* 2. *Ben.* 1795 *R.* 41. § 2. *C.* 2 *R.* 42. § 2. *C.* 3. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 3. *Cuttack* 1805 *R.* 12. § 18. *C.* 8.

4. But no lapse of time shall be considered as a bar to the recovery of the public dues from lands held rent-free on invalid tenures. *Beng.* 1793 *R.* 19. § 12. *R.* 37. § 7. *Ben.* 1795 *R.* 41. § 12. *R.* 42. § 7. *Ced. Prov.* 1803 *R.* 31. § 7. *R.* 36. § 7.

5. Nor to the resumption of a grant made by any authority, except Government, subsequent to the 1st December 1790. *Beng.* 1793 *R.* 19. § 10. *Ben.* (subsequent to the year 1195.) 1795 *R.* 41. § 10. *Ced. Prov.* (after the promulgation of this Regulation,) 1803 *R.* 31. § 6.

6. No suit by the merchants of a Pergunna or ward, to dispute the Police tax assessed in the Pergunna or ward, shall be received unless brought in one month after the assessment has been fixed up in the Court room. *Beng.* 1793 *R.* 23. § 19. Rescinded 1797 R. 6 § 8 C. 1

A. D. 1793 Rescinded 1797 R. 6 § 2 C. 1

7. Nor a suit by an individual merchant to dispute his individual assessment. *Beng.* 1793 *R.* 23. § 25.

Re-enacted 1799 R. 6 § 11

8. Nor a suit to dispute the confiscation of adulterated opium unless brought in three weeks. *Beng.* 1793 *R.* 32. § 2. *C.* 23. *Ben.* 1795 *R.* 32. § 2. *C.* 20.

A. D. 1795 Modified 1806 R. 2 § 2

9. Suits are not to be heard in Benares, for regaining possession of landed property, if the cause of action originated before 1st July 1775; nor any suit whatever, if the cause of action originated twelve years before suit brought, except on proof of demand made and admitted, or of claim preferred to a competent authority within twelve years with satisfactory reasons for not having proceeded therein, or of minority or other good cause: but from this rule are excepted bonds which have been in course of payment by instalments, or on which a payment shall have been made within twelve years before suit brought; and mortgages, which are to be limited by the law of the defendant's religion. *Ben.* 1795 *R.* 7. § 8.

10. Suits for disputing the Collector's confiscation of goods at the Custom-house in Benares shall not be received unless brought in fourteen days. *Ben.* 1795 *R* 3. § 8.

11. The Sudder Dewannee Adaulut may dispense with the rule of limitation of actions in Benares, and may issue a precept to the proper Court to take cognizance of the suit, though the cause of action shall have arisen twelve years before suit brought; recording their reasons for the exercise of this power. *Ben.* 1795 *R.* 10. § 10.

A. D. 1799

12. No suit to dispute the confiscation of adulterated opium shall be received, unless brought in three weeks. *Beng. Ben.* 1799 *R.* 6. § 11.

A. D. 1800

13. Nor to dispute the confiscation of adulterated salt, if brought after one month. *Beng. Ben.* 1800 *R* 4. § 4.

14. Nor to dispute the confiscation of stones at the Benares quarries, if brought after ten days without good cause shown for the neglect, or if brought too late to stop the sale of the stones. *Ben.* 1800 *R.* 2. § 12.

A. D. 1803 Modified 1805 R. 2 § 2

15. Until twelve years shall have elapsed from the 10th November 1801, the Courts in the Ceded Provinces shall not try any suit if the cause of action originated twelve years previous to suit brought. *Ced. Prov.* 1803 *R.* 2. § 18. *C.* 1.

16. Nor any suit, if the cause of action originated before the 10th of November 1801, the cognizance of which would not have been allowed, according to the usages of the Vizir's Government, to be taken by the persons vested with the judicial authority: doubts respecting the cognizance of such suits shall be stated to the Provincial Court of

Appeal,

Appeal, and by them to the Sudder Dewannee Adaulut, and by the Sudder Dewannee Adaulut to Government. *Ced. Prov.* 1803 *R.* 2. § 18. *C.* 2.

17. After twelve years shall have elapsed from the 10th of November 1801, the Courts in the Ceded Provinces shall not try any suit if the cause of action originated twelve years previous to the institution of the suit, except on proof of demand and admission, or of claim preferred to a competent Court with satisfactory reason for not having proceeded in the suit, or of minority or other sufficient cause for the lapse, nor any suit of which the cause of action originated previous to 10th November 1801. *Ced. Prov.* 1803 *R.* 2. § 18. *C.* 3.

18. The summary process for the recovery of rents shall not be applied to any arrear of rent due more than one year before the application for such process; but this shall not preclude the admission of any arrear due more than a year, in the adjustment of recent arrears. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 4. *C.* 1. A. D. 1805

19. The same rule is applicable to summary suits of landholders and farmers against any of their Agents for accounts or money in their hands. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 4. *C.* 2.

20. Summary suits for dispossession, if the complaint should not be preferred within three months, shall not be heard, unless it be proved that the complainant was prevented from preferring it by sufficient cause. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 5.

21. The limitation of twelve years for the commencement of civil suits, (prescribed by Section 14, Regulation 3 of 1793, Section 8, Regulation 7 of 1795, and Section 18, Regulation 2 of 1803,) shall not be considered applicable to suits for the recovery of public revenue or for any public right or claim instituted on behalf of Government, with the sanction of the Governor General in Council, or by any public officer authorized to prosecute the same. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 2. *C.* 1.

22. Claims on the part of Government for the assessment of land held rent-free without legal title, for the recovery of arrears of public assessment, or any other public right, unless otherwise limited by some special provision, shall be heard and determined if preferred within sixty years from the cause of action, if it did not originate in Bengal, Behar and Orissa, before the 12th August 1765, in Benares before the 1st July 1775, or in the Ceded Provinces before the 10th November 1801. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 2. *C.* 2.

23. The above limitation shall not be considered applicable to private claims to land or other immoveable property, if the person, in possession of the property, acquired the

possession by violence, fraud, or other unjust and dishonest means, or if the property shall have been so acquired by the person from whom the actual occupant derives his title, and shall not have been subsequently held twelve years previous to suit under a just and honest title; provided such dishonest acquisition be established to the satisfaction of the Court trying the cause. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 3. *C.* 1.

24. In such cases, the plaintiff shall set forth the dishonest acquisition distinctly in his plaint or replication; and, if the defendant deny it in his answer or rejoinder, the Court shall examine the evidence adduced by both parties to the honesty of the title; and if the suit be deemed cognizable under this Regulation, the plaintiff's claim shall be heard notwithstanding the lapse of time. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 3. *C.* 2.

25. But no suit shall be heard if the cause of action originated sixty years before the institution of the suit; or, if the property shall have descended by inheritance to the person in possession twelve years previous to the suit; or such person, or any person in his behalf, or from whom he may have obtained it, or the whole in succession shall have held unmolested possession twelve years under a title by purchase, donation, or other title believed just and not appearing collusive. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 3. *C.* 3.

26. No length of time shall be a bar to the cognizance of suits in cases of mortgage or deposite, where the occupant acquired or held possession of the land merely as mortgagee or depositary, without any proprietary right; nor in any case where the occupant, or the person from whom he derived, shall not have held under a title believed to convey a right of property. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 3. *C.* 4.

27. No suit nor information for the recovery of a fine or penalty to Government, or to the informer, for the unlicensed manufacture or sale of liquors or drugs, the illicit manufacture or sale of salt or opium, for the fraudulent evasion of stamp duties, or any other fines or penalties recoverable by regular suit or summary process, where a specific period for the recovery may not have been fixed, shall be admitted and proceeded on, if not preferred within one year from the commission of the act for which the fine or penalty is demandable, unless prosecuted on the part of Government, and sufficient cause be assigned why it was not sooner brought forward. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 6.

28. No suits for penal damages on account of any act or omission in opposition to a Regulation, in cases in which they are allowed by the Regulations to individuals, where a specific period for the recovery may not have been fixed, shall be received or proceeded on

after

after the expiration of one year from the time when the alleged cause of action may have arisen, without sufficient cause being assigned for not prosecuting it earlier; but this restriction is not applicable to suits for the recovery of property or its value, or for compensation on account of damage to or loss of property. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 7.

29. The 30th December 1803 in the Conquered Provinces, and the 16th December 1803 in Bundelkhund, shall be considered the period of limitation for taking cognizance of suits under the several provisions of Section 18, Regulation 2 of 1803, and of Sections 2 and 3, Regulation 2 of 1805. *Ben. Ced. Prov.* 1805 *R.* 8. § 6. *C.* 2.

30. The Courts in Cuttack shall not hear any suit where the cause of action arose twelve years antecedent to the 14th October 1803. *Beng.* 1805 *R.* 14. § 5.

31. Nor, where the cause of action arose before the 14th October 1803, any suit the cognizance of which would not have been allowed, according to the usages of the Mahratta Government, to be taken by the persons vested with judicial authority. *Beng.* 1805 *R.* 14. § 6.

32. Doubts respecting the cognizance of such suits shall be stated to the Provincial Court of Appeal and by them to the Sudder Dewannee Adaulut, and by the Sudder Dewannee Adaulut to Government. *Beng.* 1805 *R.* 14. § 7.

33. After twelve years shall have elapsed from the 14th October 1803, the Court shall not hear any civil suit in Cuttack if the cause of action arose twelve years previous to the institution of the suit (except the suits described in Sections 2 and 3, Regulation 2 of 1805) unless on proof of demand and admission, or of claims preferred to a competent Court with satisfactory reason for not having proceeded in the suit, or of minority or other sufficient cause for the lapse, nor any suit of which the cause of action arose previous to 14th October 1803. *Beng.* 1805 *R.* 14. § 8.

34. The 17th April 1805 is to be the date for the limitation of suits in the Pergunnas ceded by the Raja of Bhurutpoor. *Ced. Prov.* 1806 *R.* 12. § 4. A. D. 1806

35. And the date for limiting the rate of interest. *Ced. Prov.* 1806 *R.* 12. § 6.

LIMITATIONS OF APPEALS.

I. *IN RESPECT OF THEIR AMOUNT.*

1. FROM THE ZILLA COURTS.

A. D. 1793 Modified 1974 R. 8 § 11 1795 R. 36 § 4 1798 R. 5 § 8 1799 R. 7 § 18 1800 R. 4 § 4 1801 R. 2 § 9 1803 R. 49 § 8 § 12, to 14 1805 R. 2 § 21

1. All decisions of Zilla and City Courts are appealable to the Provincial Court of Appeal. *Beng.* 1793 *R.* 3. § 20.

A. D. 1793

2. All decisions of native Commissioners of lawsuits are appealable to the City or Zilla Judge. *Beng.* 1793 *R.* 40. § 20. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 18.

A. D. 1794

3. Appeals are not to be received from decisions of Zilla and City Courts, between 6th April 1781 and 1st May 1793, for Lakheraj land not exceeding 100 Rupees annual produce, Malguzaree Aima not exceeding fifty Rupees annual quit rent, Malguzaree land not exceeding 1000 Rupees annual Jumma, or any other real or personal property not exceeding 1000 Rupees value; but, if a Provincial Court of Appeal should have admitted such an appeal, it shall be tried. *Beng.* 1794 *R.* 5. § 2.

Rescinded 1803 R. 49 § 23

4. The decisions of Zilla and City Judges for personal property not exceeding twenty-five Rupees are final. *Beng.* 1794 *R.* 8. § 11. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1.

Ditto § 6 C. 3 & in Ced Prov. 1805 R. 8 § 6 C. 3.

5. And similar decisions of Zilla and City Registers, subject to the revision of the Judge. *Beng.* 1794 *R.* 8. § 6. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 12. § 3.

Re-enacted 1795 R. 36 § 3

6. The decisions of Zilla and City Registers, for personal property exceeding twenty-five Rupees, and for real property, are appealable to the Provincial Court of Appeal. *Beng.* 1794 *R.* 8. § 7.

A. D. 1795 Modified 1795 R. 54 § 2 1798 R. 5 § 7 1800 R. 4 § 4 R. 5 § 17 1801 R. 2 § 9 1803 R 49 § 8 & 9 to 24 1805 R. 2 § 11

7. All decisions of Zilla and City Courts in Benares are appealable to the Provincial Court of Appeal, unless made final by any Regulation. *Ben.* 1795 *R.* 7. § 12.

8. The decisions of Zilla and City Registers for personal property exceeding twenty-five Rupees, and for real property, are appealable to the Judge. *Beng.* 1795 *R.* 36. § 3. *C.* 1. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 10. *C.* 1.

Modified 1803 R. 49 § 8 & 22

9. The decisions of Zilla and City Judges in appeal from the decisions of the Registers for personal property, or from any decisions of a native Commissioner of lawsuits, are final. *Beng.* 1795 *R.* 36. § 4. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1.

A. D. 1797

10. The standard for determining the right of appeal, whatever be the amount of the original cause of action, shall be the sum decided against the defendant or disallowed out of the plaintiff's claim. *Beng. Ben.* 1797 *R.* 12. § 2. *Ced. Prov.* 1803 (in Provincial Courts,) *R.* 4. § 12. *C.* 2 (in Sudder Dewannee Adaulut,) *R.* 5. § 10. *C.* 3.

11. All decisions of native Commissioners of suits concerning land (in Chittagong) are appealable to the Judge. *Beng.* 1797 *R.* 18. § 5. *C.* 2.

12.

12. And the decisions of the Judge in such appeals are further appealable to the Provincial Court of Appeal. *Beng.* 1797 *R.* 18. § 7. A. D. 1803

13. No appeal is allowed from decisions of Zilla and City Courts in suits for dispossession under Regulation 49 of 1793, or for rents under Regulation 35 of 1795, unless the ground of appeal be the irrelevancy of the Regulation to the case, and except judgments of forfeiture of land or crops to Government under Section 6, Regulation 49 of 1793. *Beng. Ben.* 1798 *R.* 5. § 7. A. D. 1798

14. Nor in summary suits for rent. *Beng.* 1799 *R.* 7. § 18. *Ben.* 1800 *R.* 5. § 17. *Ced. Prov.* 1803 *R.* 28. § 35. A. D. 1799

15. No appeal is allowed from an order of confiscation of adulterated salt passed in a Zilla and City Court, in consequence of the proprietor neglecting to institute, within one month after the seizure, a suit against the officer who made it. *Beng. Ben.* 1800 *R.* 4. § 4. A. D. 1800

16. But decisions on a suit so instituted, or awarding an increased penalty for litigious objections to the order of confiscation, may be appealed. *Beng. Ben.* 1800 *R.* 4. § 6.

17. The decisions of a Zilla or City Court regarding the choice of a guardian to the minor heir of a landholder, may be appealed direct to the Sudder Dewannee Adaulut, whose decision thereon shall be final. *Beng. Ben.* 1800 *R.* 1. § 7. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 14.

18. The Sudder Dewannee Adaulut may receive an appeal from the decision of a Zilla or City Judge, whatever be the amount of the suit, which the Provincial Court of Appeal may have refused to admit, or after admitting may have dismissed without investigation of the merits; and may order the Provincial Court of Appeal to receive it, or revive it if dismissed, and try it upon its merits. *Beng. Ben.* 1801 *R.* 2. § 8. *Ced. Prov.* 1803 *R.* 5. § 10. *C.* 13.

19. The Provincial Courts of Appeal may proceed similarly on appeals from the decisions of Registers and native Commissioners, which the Zilla or City Judges may have rejected or dismissed without trial; and Zilla or City Judges may in like manner receive appeals from the decisions of native Commissioners, which the Registers may have dismissed without investigation of the merits. *Beng. Ben.* 1801 *R.* 2. § 9. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 12 & 13. A. D. 1801

20. The rule, declaring the decisions of the Judges of Cities or Zillas on appeals from the decisions of the Registers final for 200 Rupees personal property, is rescinded. *Beng Ben.* 1803 *R.* 49. § 8. *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 4. A. D. 1803

A. D. 1805

21. The decisions of Judges in appeal from the decisions of the Registers shall be final, if the property, real or personal, allowed or disallowed by the Judge's decree, shall not exceed 100 Rupees; or if the claim be for Malguzaree land not exceeding 100 Rupees annual produce, or Lakheraj land not exceeding ten Rupees annual produce; or if the Judge's decree confirm the Register's decision, though for a greater amount real or personal: unless the Provincial Court of Appeal shall deem it proper to admit a special appeal in their discretion. *Beng. Ben.* 1803 *R.* 49. § 8. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 6.

22. But are appealable to the Provincial Court of Appeal, if the Judge's decree, reversing the decision of the Register, allow or disallow an amount or value exceeding 100 Rupees; or if the claim were for Malguzaree land exceeding 100 Rupees annual produce, or Lakheraj land exceeding ten Rupees annual produce. *Beng. Ben.* 1803 *R.* 49. § 8. *C.* 3. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 7.

23. The rule, making the decision final in suits tried by the Judge in the first instance as far as twenty-five Rupees personal property, is rescinded; all suits tried by the Judge in the first instance, without a previous trial and decision by the Register or by a native Commissioner are appealable to the Provincial Court of Appeal. *Beng. Ben.* 1803 *R.* 49. § 23. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 4.

24. The decisions of Judges in appeal from the decisions of native Commissioners are declared final by Section 4, Regulation 36 of 1795; and their decisions in appeal from the decisions of the head Commissioners appointed by this Regulation, and of the Commissioners for suits concerning land in Chittagong appointed by Regulation 18 of 1797, are hereby declared final; unless the Provincial Court of Appeal shall deem it proper to admit a special appeal in their discretion. *Beng. Ben.* 1803 *R.* 49. § 22. *C.* 3. *Ced. Prov* 1805 *R.* 8. § 6. *C.* 8.

25. The Provincial Court of Appeal is authorized to admit a special appeal from the decision of a Judge in appeal from the decision of a Register, or a Commissioner, in any case where the decree of the Judge shall appear erroneous or unjust on the face of it or from any information before the Court, or when the nature of the cause shall appear of sufficient importance to merit a further investigation. *Beng. Ben.* 1803 *R.* 49. § 24. *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 2.

26. But the Provincial Courts of Appeal are to exercise this discretion with caution. *Beng. Ben.* 1803 *R.* 49. § 24. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 3.

27. The limitation of appeals from the decisions of Zilla and City Judges is not to affect appeals already preferred or which may be preferred against decisions already passed. *Beng. Ben.* 1803 *R.* 49. § 25. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 4.

28.

28. Nor shall it preclude the appeal to the Provincial Court of Appeal under Section 9, Regulation 2 of 1801, in cases where an appeal from the decision of the Register or of a native Commissioner may have been refused by the Zilla or City Judge or dismissed for default. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 5.

29. Nor preclude the Judge of the Zilla or City from revising his own decision under Section 2, Regulation 2 of 1798, if the petition for such review be presented to him before a special appeal shall have been admitted. *Beng. Ben.* 1803 *R.* 49. § 24. *C.* 2. *Ced Prov.* 1805 *R.* 8. § 9. *C.* 3.

30. The rule, making final the decisions of Registers for personal property as far as twenty-five Rupees, is rescinded; all decisions of a Register are appealable to the Judge under Section 3, Regulation 36 of 1795. *Beng. Ben.* 1803 *R.* 49. § 6. *C.* 3. *Ced. Prov.* 1805 *R.* 8. § 16. *C.* 3.

31. The decisions of an Assistant Judge are to be held final or appealable to the Provincial Court of Appeal, according as the cause would or would not have been appealable if decided by the Judge. *Beng. Ben.* 1803 *R.* 49. § 2. *C.* 6. *Ced. Prov.* 1805 *R.* 8. § 12. *C.* 6.

32. All decisions of a head native Commissioner of lawsuits are appealable to the Zilla or City Judge. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 8. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 8.

33. And all decisions of a Munsif. *Beng. Ben.* 1803 *R.* 49. § 14. *C.* 9. *Ced. Prov.* 1803 *R.* 16. § 29. *C.* 9.

34. The decisions of the Zilla Courts in the Ceded Provinces are appealable to the Provincial Court of Appeal if for Malguzaree land exceeding 200 Rupees annual produce, or Lakheraj land exceeding 20 Rupees annual produce, or any other real or personal property exceeding 200 Rupees value. *Ced. Prov.* 1803 *R.* 2. § 21. Re-enacted 1805 R. 8 § 6. C. 4

35. All cases wherein the Zilla and City Judges may refuse to admit and determine an original suit preferred, on the ground of delay, informality or other default in preferring it, or may dismiss it on the ground of some default without investigation of the merits, are appealable to the Provincial Court of Appeal whatever be the amount at issue. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 11. A. D. 1809

36. Section 22, Regulation 2 of 1803, is rescinded; an appeal shall lie to the Provincial Court of Appeal from decisions of the Zilla Court, in all suits, which shall be tried by the Judges of those Courts in the first instance. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 4.

2. From the Appeal Courts.

1. The decisions of a Provincial Court of Appeal are final in suits for Lakhoraj land not exceeding 100 Rupees annual produce, or Malguzaree land not exceeding A. D. 1793 Modified 1797 R. 12 § 1798 R. 5 §

100

A. D. 1793

1600 Rupees annual produce if an independent estate, or 1000 Rupees annual rent if a dependant Talook, or any other real or personal property not exceeding 1000 Rupees value. *Beng* 1793 *R.* 5 § 30. ext. *Ben.* 1795 *R.* 9 § 6.

2. The decisions of a Provincial Court of Appeal exceeding the limited amounts are appealable to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 10 ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 10. *C.* 1.

3. Decisions on charges of corruption against a law officer of a Court, may be appealed to the Sudder Dewannee Adaulut whatever be the amount. *Beng.* 1793 *R.* 12. § 8. *C.* 2. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 2.

4. Or against a Register or Assistant of a Court being a covenanted servant of the Company. *Beng.* 1793 *R.* 13. § 9. *C.* 11. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 11.

Modified 1797 R. 16 § 1

5. The decisions of the Sudder Dewannee Adaulut are final in all cases whatever. *Beng.* 1793 *R.* 6. § 29. ext. *Ben* 1795 *R.* 10. § 2.

Modified Beng. 1794 R. 7 § 24 Ben. 1800 R. 5 § 23 Ced Prov. 1805 R. 8 § 7 C. 2

6. No appeal lies to the Sudder Dewannee Adaulut from decisions of Provincial Courts of Appeal in charges for resistance to authority of Zilla Courts by a landholder, unless the forfeited estate exceed 1000 Rupees annual produce. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23.

ditto

7. Or by a Sudder farmer, unless the forfeited farm exceed 1000 Rupees annual Jumma. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov* 1803 *R.* 3. § 25. *C.* 1.

ditto

8. Or by any other person, unless the fine imposed exceed 1000 Rupees. *Beng.* 1793 *R.* 4. § 25. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 26.

Modified Beng. 1799 R. 7 § 24 Ben. 1800 R. 5 § 23

9. Nor from convictions by a Provincial Court of Appeal in charges for resistance to their own process by a landholder, unless the forfeited estate exceed 1000 Rupees annual produce. *Beng* 1793 *R.* 5 § 23. ext *Ben* 1795 *R.* 9. § 6. *Ced. Prov.* (5000 Rupees) 1803 *R.* 4 § 23. *C.* 1.

ditto

10. Or by a Sudder farmer, unless the forfeited farm exceed 1000 Rupees annual Jumma. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov* (5000 Rupees) 1803 *R.* 4. § 25.

11. Or by any other person unless the fine imposed exceed 1000 Rupees. *Beng.* 1793 *R.* 5. § 2.. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* (5000 Rupees) 1803 *R.* 4. § 26.

12.

12. Not from the decisions of Provincial Courts of Appeal [illegible] to process of Collectors by a landholder, unless the [illegible] due exceed 1000 Rupees annual produce. *Beng.* 1793 *R.* 14. § 18. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* (5000 Rupees) 1803 *R.* 27. § 23.

13. Or by a Sudder farmer, unless the farm exceed 1000 Rupees annual produce. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* (5000 Rupees) *Beng.* 1803 *R.* 27. § 26.

14. Or by a surety, unless the fine imposed exceed 1000 Rupees. *Beng.* 1793 *R.* 14. § 21. *Ben.* 1795 *R.* 6. § 28. *Ced. Prov.* (5000 Rupees) 1803 *R.* 27. § 28.

15. The decisions of the Provincial Courts of Appeal for money or personal property not exceeding 5000 Rupees are final. *Beng. Ben.* 1797 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 4. § 30. *C.* 2. A. D. [illegible]

16. The standard for determining the right of appeal, whatever be the amount of the original cause of action, shall be the sum decided against the defendant or disallowed out of the plaintiff's claim. *Beng. Ben.* 1797 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 2. *R.* 5. § 10. *C.* 3.

17. The decisions of the Sudder Dewannee Adaulut of the value of 5000l. and upwards, are appealable to the King in Council. *Beng. Ben.* 1797 *R.* 16. § 1. *Ced. Prov.* 1803 *R.* 5. § 31.

18. The equivalent of 5000l. is fixed at 50,000 current or 43,103 Sicca Rupees. *Beng. Ben.* 1797 *R.* 16. § 3. *Ced. Prov.* 1803 *R.* 5. § 32. *C.* 2.

19. The decisions of a Provincial Court of Appeal are final for Malguzaree land not exceeding 5000 Rupees annual produce, or Lakheraj land not exceeding 500 Rupees annual produce, and any other real property not exceeding 5000 Rupees value. *Beng. Ben.* 1798 *R.* 5. § 2. *Ced. Prov.* 1803 *R.* 4. § 30. *C.* 1. A. D. [illegible]

20. The appeal to the Sudder Dewannee Adaulut in suits between Collectors and landholders &c. is limited to 5000 Rupees on the principle of Section 2, Regulation 5 of 1798; and the same principle is to be applied to all other parts of the Regulation in which an appeal was allowed previous to the enactment of Regulation 5 of 1798. *Beng.* 1799 *R.* 7 § 24. *Ben.* 1800 *R.* 5. § 23. A. D. [illegible]

21. The limitation for appeals to the Sudder Dewannee Adaulut in cases of resistance to process of Zilla Courts in the Ceded Provinces, under Sections 23, 25 and 26, Regulation 3 of 1803, shall be 5000 Rupees. *Ced. Prov.* 1803 *R.* 3. § 7. *C.* 2. A. D. [illegible]

A. D. 1805 — 22. The power vested in the Provincial Courts of Appeal, under Section 24, Regulation 44 of 1803, to admit a special appeal in cases wherein a regular appeal may not lie, is vested in the Sudder Dewannee Adaulut with regard to decrees of a Provincial Court of Appeal not open to regular appeal, but which may appear to merit a further investigation. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 10. *C.* 1.

3. From Extraordinary Tribunals.

A. D. 1793 Rescinded 1804 R 1 § 2 — 1. The decisions of the Regulating Officer of the invalid establishment for personal property exceeding 50 Rupees, and for real property, are appealable to the Zilla Court. *Beng* 1793 *R.* 43. § 21.

2. And all awards of a Salt Agent, his Assistants, or head officers of Arungs. *Beng* 1793 *R.* 29. § 22. *C.* 8.

3. The decisions of the Court of Wards are appealable to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 10 § 32. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 36 *C.* 2.

4. All decisions of Collectors on claims to pensions are appealable to the Board of Revenue; and all decisions of the Board thereon are appealable to the Governor General in Council. *Beng* 1793 *R.* 24 § 5. *Ced Prov.* 1803 *R* 24 § 17.

5. And decisions of the Board on the partition allotment of joint estates are appealable to the Governor General in Council. *Beng.* 1793 *R* 25. § 20 ext. *Ben.* 1795 *R.* 26. § 2 *Ced. Prov.* 1803 *R* 26 § 51. *C* 1.

A. D. 1799 — 6. Any rejection, by the Board of Revenue, of a claim for the correction of assessment on lands sold by public sale may be appealed to the Governor General in Council. *Beng.* 1799 *R.* 76 § 29. *C.* 2. ext. *Ben* 1800 *R* 5. § 26. *Ced Prov.* 1803 *R.* 26. § 6 *C.* 1.

A. D. 1803 — 7. All decisions of the Board of Commissioners in the Ceded Provinces are appealable to the Sudder Dewannee Adaulut. *Ced. Prov.* 1803 *R.* 5. § 9.

A. D. 1805 — 8. All decisions of the European Courts of Chandernagore and Chinsura, in civil suits tried in the first instance in those Courts, are appealable to the Sudder Dewannee Adaulut. *Beng.* 1805 *R* 1. § 2 *C.* 1.

9. And decisions of the Superintendent at Chandernagore, or Commissioner at Chinsura, in appeal from the decisions of the native Courts of Chandernagore or Chinsura, provided the amount adjudged shall exceed 5000 Rupees. *Beng.* 1805 *R.* 1. § 2. *C.* 2.

10. But the Sudder Dewannee Adaulut may admit a special appeal, although the amount be less than 5000 Rupees, if the decision shall appear erroneous, or the nature of the cause shall appear of sufficient importance. *Beng.* 1805 *R.* 1. § 2. *C.* 3.

[illegible] The Sudder Dewannee Adaulut [illegible] appeal [illegible] governor General in Council from the decisions of the European [illegible] Chandernagore and Chinsura, if referred to the Sudder Dewannee Adaulut by his order. *Beng.* 1803 *R.* 1. § 3.

12. The decision of the Sudder Dewannee Adaulut on such appeals shall be final, unless they amount to 5000l. or 50,000 current Rupees, exclusive of costs; when an appeal will lie to the King in Council, under the provisions of Regulation 16 of 1795. *Beng.* 1803 *R.* 1. § 13.

II. *IN RESPECT OF TIME.*

I. FROM THE ZILLA COURTS.

1. The petition of appeal from the decision of a Zilla or City Court to a Provincial Court of Appeal must be presented within three calendar months from the date of the decision; but the Provincial Court of Appeal is authorized to admit an appeal presented after the expiration of three months, on reasonable cause shown for the neglect, recording their reasons for the admission. *Beng.* 1793 *R.* 5. § 12. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4 § 12. *C.* 4.

2. The petition of appeal to the Zilla or City Judge from the decision of a native Commissioner must be presented within thirty days from the date of the decision: but the Judge may admit an appeal brought after the prescribed period, on good cause being shown for the neglect. *Beng.* 1793 *R.* 40. § 20. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 18.

3 The Provincial Courts of Appeal are to be cautious in the use of the discretion for admitting appeals after the prescribed period. *Beng.* 1794 *R.* 5. § 3.

4. The petition of appeal to the Zilla or City Judge from the decision of the Register must be presented within thirty days from the date of the decision: but the Judge may admit an appeal after the prescribed time on good cause shown for the neglect. *Beng* 1795 *R.* 36. § 3. *C.* 2. ext. *Ben.* 1795 *R* 54. § 2. *C.* 1. *Ced Prov.* 1803 *R.* 12 § 10. *C.* 2.

5. Appeals, struck off for non payment of fees, shall not be re-admitted unless preferred within three months from a publication to be made. *Beng Ben.* 1797 *R.* 6. § 11.

6. The period of three months for appealing from the decisions of Zilla and City Courts to the Provincial Courts of Appeal, and of one month for appealing from decisions of Registers and Commissioners to Zilla and City Judges, shall be calculated from the

A. D. 1805 the date on which the copy of the decree shall be delivered or tendered to the party or his Vakeel; or, in case of the absence of the party or his Vakeel, from the date on which the cause of non-delivery may be noted on the copy of the decree. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 8.

2. From the Appeal Courts.

A. D. 1793 Modified 1805 R. 2 § 8

1. The petition of appeal from the decision of a Provincial Court of Appeal to the Sudder Dewannee Adaulut must be presented within three calendar months from the date of the decision: but the Sudder Dewannee Adaulut is authorized to admit an appeal presented after the expiration of three months, on reasonable cause shown for the neglect, recording their reasons for the admission. *Beng.* 1793 *R.* 6. § 10. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 10. *C.* 5.

A. D. 1797

2. Appeals struck off for non-payment of fees shall not be re-admitted, unless preferred within three months from a publication to be made. *Beng. Ben.* 1797 *R.* 6. § 11.

Modified 1805 R. 2 § 8

3. The petition of appeal to the King in Council from the decision of the Sudder Dewannee Adaulut must be presented within six months from the date of the decision. *Beng. Ben.* 1797 *R.* 16. § 2. *Ced. Prov* 1803 *R.* 5. § 32. *C.* 2.

A. D. 1805

4. The period of three months for appealing from the decisions of a Provincial Court of Appeal to the Sudder Dewannee Adaulut, and of six months for appealing from the decisions of the Sudder Dewannee Adaulut to the King in Council, shall be calculated from the date on which the copy of the decree shall be delivered or tendered to the party or his Vakeel, or, in case of the absence of the party or his Vakeel, from the date on which the cause of non-delivery may be noted on the copy of the decree. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 8.

3. From Extraordinary Tribunals.

A. D. 1793

1. The Sudder Dewannee Adaulut may hear appeals from decisions of the Provincial Councils, if the petition of appeal were presented to the Governor General in Council or to the Sudder Dewannee Adaulut on or before 1st February 1802; and from decisions of the Board of Revenue, if the petition of appeal were presented to the Governor General in Council or to the Board within one month from the date of the decision. *Beng.* 1793 *R.* 6. § 9. *C.* 1.

2. And the Sudder Dewannee Adaulut may hear such appeals, though not presented within the limited periods, if good cause be shown for the neglect; using this pow-

or with caution, and recording their reasons for the exercise of it. *Beng.* 1793 *R.* 6. § 9. *C.* 2.

3. The appeal to the Board of Revenue from the decision of a Collector, and to the Governor General in Council from the decision of the Board, on claims to pensions, must be brought within one month from the date of the decision. *Beng.* 1793 *R.* 24. § 5. *Ced Prov.* 1803 *R.* 24. § 17.

4. And the appeal to the Governor General in Council from the decision of the Board on the partition allotment of a joint estate, within six weeks from the date of the communication thereof by the Collector to the sharers. *Beng.* 1793 *R* 25. § 20 ext. *Ben.* 1795 *R.* 26 § 2.

5. The petition of appeal to the Sudder Dewannee Adaulut from the decisions of the Court of Wards must be presented within three months from the date of the decision; but the Sudder Dewannee Adaulut may admit an appeal after that period on good cause shown for the neglect. *Beng* 1793 *R.* 16. § 32. *C* 2. *Ced. Prov.* 1803 *R.* 52. § 36 *C.* 2.

6. The appeal to Zilla Courts from awards of a Salt Agent, his Assistants, or head officers, must be preferred before the commencement of the next manufacturing season; but may be admitted after that period on good cause shown for the neglect. *Beng.* 1793 *R.* 29. § 22. *C.* 8

7. The petition of appeal to Zilla Courts from the decision of the Regulating Officer of the invalid establishment must be presented within six weeks from the date of the decision. *Beng.* 1793 *R.* 43. § 21.

8. The period for appealing to the Governor General in Council from the decisions of the Board of Revenue, on the partition allotment of joint estates, is limited to one month from the communication of the decision to the parties. *Beng. Ben.* 1801 *R.* 1. § 13. *C* 5. *Ced Prov.* 1803 *R.* 26 § 49

9. The Governor General in Council will not receive any such appeal after the lapse of one month, unless good cause be assigned for not preferring it in time. *Beng. Ben* 1801 *R.* 1 § 13. *C.* 6. *Ced. Prov.* 1803 *R* 26. § 51. *C.* 1.

10. The petition of appeal to the Sudder Dewannee Adaulut from the decisions of the European Courts at Chandernagore and Chinsura, in original suits, must be presented within three months from the date of the decision: but the Sudder Dewannee Adaulut may admit an appeal preferred after that period, on sufficient reason being assigned for the delay. *Beng.* 1805 *R.* 1. § 2. *C* 2.

A. D. 1805 11. And the petition of appeal from the decisions of the Superintendent of Chandernagore and Commissioner of Chinsura, in appeal from the decision of the native Courts *Beng* 1805 *R.* 1. § 2 *C* 3.

12. No decision, passed in the Courts of Chandernagore and Chinsura more than three months before the date of the Regulation, and not appealed to the Governor General in Council, shall be appealed to the Sudder Dewannee Adaulut unless admitted specially by the Sudder Dewannee Adaulut on show of satisfactory reason for the neglect, and this discretionary power is to be exercised with caution. *Beng* 1805 *R.* 1 § 3.

LIMITATION OF CRIMINAL CHARGES.

A. D. 1803 1. The Magistrates in the Ceded Provinces are not empowered to take cognizance of any crimes or offences committed previous to the 10th November 1801 *Ced. Prov.* 1803 *R.* 6 § 34

2 Nor the Court of Circuit. *Ced Prov* 1803 *R.* 7 § 42

3 Nor the Nizamut Adaulut *Ced. Prov* 1803 *R* 8 § 26

A. D. 1804 4 The Magistrates and Court of Circuit are not empowered to take cognizance of any crimes or offences committed in Cuttack previous to the 14th October 1803. *Beng.* 1804 *R* 4. § 7.

5 Nor any crimes or offences committed in the Conquered Provinces previous to the 30th December 180 , or in Bundelkhund previous to 16th December 1803. *Ben. Ced. Prov* 1804 *R* 9 § 11

A. D. 1806 6 The 17th April 1805 is to be the date for limiting the cognizance of crimes in the Pergunnas ceded by the Raja of Bhurutpoor *Ced. Prov.* 1806 *R* 12. § 4.

LOANS AND DEBTS.

A. D. 1793 1 Covenanted servants of the Company, holding any judicial or revenue office, are prohibited from lending money directly or indirectly to any proprietor, or farmer of land, under-tenant, or their sureties, and all such loans are declared to be not recoverable in a Court of Judicature. *Beng.* 1793 *R.* 38. § 2. *Ben* 1795 *R.* 48 § 2. *Ced Prov* 1803 *R* 19 § 2.

2. And the Dewan of a Collector of Revenue. *Beng* 1793 *R.* 2. § 19. *Ben.* 1795 *R* 3 § 9 *Ced. Prov.* 1803 *R* 25. § 18

3. The Board of Revenue, collectively and individually, are prohibited from being concerned in any transaction for borrowing money, with any person responsible for the collection or payment of the public revenue. 1793 R. 2. § 26.

4. Actual proprietors of land, and dependant Talookdars, have been at liberty, since the 20th October 1790, to borrow money without the sanction of the Board of Revenue. *Beng.* 1793 R. 8. § 67. C. 2.

5. The Jageers of invalided Sepoys are not to be assigned as security for money borrowed by them. *Beng.* 1793 R. 43. § 27.

6. The Civil Courts are not to decree any interest on loans made on or after the 28th March 1780 which specify a higher interest than as follows. *Beng.* 1793 R. 15. § 8.

7. If the cause of action arose previous to the 1st January 1793, at the following rates. *Beng.* 1793 R. 15. § 3. C. 1.

8. Two per cent per mensem on sums not exceeding 100 Rupees. *Beng.* 1793 R. 15. § 3. C. 2.

9. And one per cent on larger sums. *Beng.* 1793 R. 13 § 3. C. 3.

10. If the cause of action arose subsequent to the 1st January 1793, one per cent on all sums. *Beng.* 1793 R. 15. § 4.

11. Interest may be allowed as follows, if the cause of action arose before the 28th March 1780. *Beng.* 1793 R. 15. § 2. C. 1.

12. Three Rupees two Annas per cent per mensem, on sums not exceeding 100 Rupees. *Beng.* 1793 R. 15. § 2. C. 2.

13. And two per cent, on larger sums. *Beng.* 1793 R. 15. § 2. C. 3.

14. If a lower rate than the legal interest shall have been stipulated, such lower rate shall be awarded. *Beng.* 1793 R. 15. § 5. *Ced. Prov.* 1803 R. 34. § 4.

15. The Courts are not to decree a greater sum for interest than the amount of the principal. *Beng.* 1793 R. 15. § 6. *Ced. Prov.* 1803 R. 34. § 5.

16. Nor any compound interest, except when the former bond has been cancelled on an adjustment of accounts, and a new bond taken for principal and legal interest consolidated into principal. *Beng.* 1793 R. 15. § 7. *Ced. Prov.* 1803 R. 34. § 6.

17. And shall dismiss the suit with costs, on proof of any attempt to elude the rules prescribed concerning interest. *Beng.* 1793 R. 15. § 9. *Ced. Prov.* 1803 R. 34. § 8.

18.

A. D. 1803

18. The rules are not to extend to respondentia loans or policies of insurance, which are to be regulated by the terms of the deeds and the prevailing usages. *Beng.* 1793 R. 15. § 12. *Ced Prov* 1803 *R.* 34 § 11.

Postponed 1794 R. 6 § 2 1795 R. 59 § 2 1796 R. 8 § 2 1797 R. 54 § 2

19. After the 30th April 1794, no loans, nor any written or verbal agreement by which any sum of money may be stipulated to be paid in any species of Rupees excepting the Calcutta Sicca Rupees and gold Mohurs of the 19 Sun or their fractional parts, shall be recoverable in the Civil Courts *Beng* 1793 *R.* 35. § 20. *Cuttack* (after the year 1213) 1805 *R* 12. § 15.

20 Until that date, loans may be paid either in the species stipulated, or in Siccas at the specified valuation *Beng.* 1793 *R.* 35. § 19. *Cuttack* (till the end of the year 1213) 1805 *R.* 12. § 14

21. The Courts are not to decree payment of a bond executed after the 28th March 1780, except on satisfactory proof of execution before two credible witnesses, or of payment of some valuable consideration for it but this restriction does not extend to notes of hand or receipts, in the determination on which the custom of the country shall be abided by. *Beng* 1793 *R.* 3 § 15. *Ben* (after 1st July 1795) 1795 *R.* 7. § 9. *Ced. Prov* (after the promulgation of the Regulation) 1805 *R.* 8 § 6. *C* 3.

A. D. 1794

22. The operation of the above rules of Regulation 35 of 1793, is postponed till 10th April 1795. *Ben* 1794 *R* 6. § 2.

A. D. 1795

23. And further postponed till 10th April 1796. *Beng.* 1795 *R* 59 § 2

24. The restriction regarding the proof required for bonds does not extend in Benares to dealings among Mehajuns and Shurafs, but they shall be decided according to the custom of the country and the usages in force among themselves. *Ben* 1795 *R.* 7 § 9.

A. D 1797 Modified 1800 R 7 § 3 C 1

25. After the 31st December 1797, all vouchers for the payment of a sum of money borrowed exceeding fifty Rupees exclusive of interest, shall be written on stampt paper paying a duty of four Annas as far as 100 Rupees, eight Annas as far as 1000 Rupees, one Rupee if above. *Beng. Ben.* 1797 *R* 6. § 21 *C.* 1.

ditto § 6 C. 1

26. And if unstampt, shall not be received in evidence until payment of a penalty of ten times the duty *Beng. Ben.* 1797 *R* 6. § 21. *C* 3.

ditto

27 But penalties may be mitigated to not less than twice the duty. *Beng. Ben.* 1797 *R* 6 § 23. *C.* 3.

A. D. 1799

28. The operation of Section 20, Regulation 35 of 1793, is postponed in Zilla Silhet till 10th April 1798 *Beng* 1799 *R* 3 § 2.

29. After the 30th September 1800, all vouchers for the payment of a sum of money borrowed, exceeding sixteen Rupees exclusive of interest, except for money payable by or to Government, shall be written on stampt paper paying a duty of two Annas on 62 Rupees, four Annas on 125 Rupees, eight Annas on 250 Rupees, one Rupee on 500 Rupees, two Rupees on 1000 Rupees, four Rupees on 2000 Rupees, eight Rupees if above 2000 Rupees. *Beng. Ben.* 1800 *R.* 7. § 3. *C.* 1.

30. And all acknowledgments for the receipt of money exceeding sixteen Rupees, except for money paid by or to Government, shall be written on stampt paper of the kind specified. *Beng. Ben.* 1800 *R.* 7 § 4. *C.* 1.

31. And shall not be received in evidence until stampt. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 1.

32. If an unstampt document be produced to the Collector within sixty days from its execution with a penalty of five times the duty, the Collector shall send it to the Superintendent of the stamp office to be stampt. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 2.

33. Also if produced after sixty days with ten times the duty. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 3.

34. But in case of evident ignorance, the Board of Revenue, on report of the Collector, may remit the penalty. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 4.

35. Persons, executing, or causing to be executed, an unstampt document not subsequently produced as above to be stampt, shall on discovery of the fraud be fined ten times the duty in addition to the penalty payable by the holder of the document: but the Court may remit the penalty on evident ignorance. *Beng. Ben.* 1800 *R.* 7. § 7.

36. Any evasion by executing two or more obligations for portions of a sum total, so as to bring the total within the exemption of small sums, shall be similarly punished. *Beng. Ben.* 1800 *R.* 7. § 8.

37. The party bound to execute the obligation shall furnish the paper. *Beng. Ben.* 1800 *R.* 7. § 9.

38. The operation of Section 20, Regulation 35, is postponed in Zilla Chittagong till 16th August 1803. *Beng.* 1803 *R.* 54. § 2. A. D. 1803

39. After the commencement of the year 1216, no loan or agreement written or verbal, entered into in the Ceded Provinces, by which any sum of money shall be stipulated to be paid in any specie excepting the Lucnow 45 Sun Sicca Rupee coined

A. D. 1801 at Furrukhabad, or its fractional parts, shall be recoverable in the Civil Courts. *Ced. Prov.* 1803 *R.* 45. § 25.

40. Until that date, loans may be paid either in the specie stipulated or in Siccas at the specified valuation. *Ced. Prov.* 1803 *R.* 45. § 24.

41. The Courts in the Ceded Provinces are not to decree any interest on loans made on or after the 1st January 1804, which specify a higher interest than twelve per cent per annum. *Ced. Prov.* 1803 *R.* 34. § 7.

42. Nor interest above the rate of twelve per cent per annum, if the cause of action arose on or after the 10th November 1801. *Ced. Prov.* 1803 *R.* 34. § 3.

43. But if the cause of action arose before the 10th November 1801, interest may be allowed at the following rates. *Ced. Prov.* 1803 *R.* 34. § 2. *C.* 1.

44. Thirty per cent per annum, on sums not exceeding 100 Rupees. *Ced. Prov.* 1803 *R.* 34. § 2. *C.* 2.

45. Twenty four per cent on larger sums. *Ced. Prov.* 1803 *R.* 34. § 2. *C.* 3.

A. D. 1804 46. The Jageers of invalided Sepoys are not to be assigned as security for money borrowed by them. *Beng.* 1804 *R.* 1. § 16.

A. D. 1805 47. The provisions regarding the use of stampt paper for money obligations, are not to be in force in Cuttack, till the expiration of two years from the date of this Regulation. *Beng.* 1805 *R.* 12. § 12.

48. The following rules are prescribed in Cuttack, respecting the payment of interest. *Beng.* 1805 *R.* 14. § 9. *C.* 1.

49. If the cause of action arose before 14th October 1803, no higher or lower rate shall be allowed than thirty per cent per annum, on sums not exceeding 100 Rupees, and twenty four per cent or larger sums; unless a lower rate shall have been stipulated. *Beng.* 1805 *R.* 14. § 9. *C.* 2.

50. If the cause of action arose on or after 14th October 1803, no higher rate than twelve per cent shall be allowed on all sums. *Beng.* 1805 *R.* 14. § 9. *C.* 3.

51. But no interest is to be allowed, if the instrument, executed on or after 14th October 1803, specify a higher rate of interest than twelve per cent. *Beng.* 1805 *R.* 14. § 9. *C.* 4.

52. And the suit shall be dismissed with costs on proof of any attempt to elude the rules prescribed concerning interest. *Beng.* 1805 *R.* 14. § 9. *C.* 5.

53. Regulation 34 of 1803 is extended to the Conquered Provinces and Bundelkhund. *Ben. Ced. Prov.* 1805 *R.* 8. § 23. *C.* 1.

54. The 30th December 1803, in the Conquered Provinces, and 16th December 1803 in Bundelkhund, are substituted for the dates in Sections 1, 3 and 9; and the 1st January 1806, for the date in Sections 7 and 8 *Ben. Ced. Prov.* 1805 *R.* 8. § 23. *C.* 2.

LUNACY.

1. Landholders, incapable of managing their estates from lunacy, if they be not partners in a joint estate with others not disqualified, shall not have charge of their estates. *Beng.* 1793 *R* 8. § 20. A. D. 171

2. Which shall be managed for their benefit in trust by Government. *Beng.* 1793 *R.* 8. § 21. *Ced. Prov.* 1803 *R* 52 § 1.

3. Under a Manager to be chosen by the Collector, subject to the approbation of the Board of Revenue, preference being given to the heir of the estate, or a near relation, or a family servant *Beng* 1793 *R* 10 § 8 *C.* 1. Modified 1799 R. 7. §

4 And shall be under the superintendence of the Court of Wards. *Beng.* 1793 *R.* 10 § 2. *Ced. Prov* 1803 *R* 52 § 3.

5 And such estates are not liable to be sold for arrears of public revenue while under the Court of Wards, nor shall such proprietor be liable to confinement for arrears. *Beng* 1793 *R.* 1 § 8 *C.* 5 *R* 14. § 48 *Ced Prov* 1803 *R.* 52. § 6.

6. The Collectors shall report to the Board whenever any proprietors come within this description of disqualification. *Beng* 1793 *R.* 10 § 4. *Ced. Prov* 1803 *R.* 52. § 8.

7. Stating the condition of the party, the particulars of the estate real or personal, the person deemed most eligible for the trust of manager and guardian, with report of any testamentary appointment of guardian, and any objection to the confirmation thereof. *Beng.* 1793 *R.* 10. § 34. *Ced. Prov.* 1803 *R.* 52. § 38.

8. Estates, in which all the sharers are not thus or otherwise disqualified, shall be under a manager elected by the majority of proprietors present, or, if the votes be equal, by the greater interest of the voters; or, if the votes and interest be both equal, the manager shall be appointed by the Board of Revenue. *Beng* 1793 *R.* 8 § 23. *Ced. Prov.* 1803 *R* 52. § 5. *C.* 1. Restricted Beng 18 & 17 §

9. The guardians of such disqualified sharers shall vote in the election. *Beng.* 1793 R. 8. § 24. *Ced Prov.* 1803 *R.* 52. § 5. *C* 2. ditto

10.

A. D. 1793 Referenced Beng 1803 R. 27 § 2

10 And if the proprietors of such estate omit to elect a manager on requisition of the Collector, he shall nominate one for the approbation of the Board; but the responsibility and expense shall rest with the proprietors. *Beng* 1793 *R.* 8. § 25. *Ced. Prov.* 1803 *R.* 52. § 5. *C* 3.

11. The determination of the majority shall be similarly binding in agreeing or disagreeing to the proposed Jumma of such estates. *Beng* 1793 *R.* 8 § 26. *Ced. Prov.* 1803 *R* 52. § 5. *C* 4.

ditto

12 The proprietors of such estate are also not liable to arrest and confinement for arrears of revenue. *Beng.* 1793 *R.* 14. § 48 *Ced. Prov.* 1803 *R* 52. § 6 *R.* 27. § 50.

13. The Collector, on being ordered by the Revenue Board, shall represent through the Vakeel of Government to the Zilla Court every case of disqualification from imbecility, lunacy, or natural defect or infirmity, the Court shall send the representation to the Sudder Dewannee Adaulut, who will order the Court or Provincial Court of Appeal to ascertain the fact by ocular inspection and the oath of not less than three witnesses, the proceedings shall be sent to the Sudder Dewannee Adaulut, whose decision shall be final, and is to be certified to the Governor General in Council, who will order the Court of Wards to take charge or not of the estate, according as the Sudder Dewannee Adaulut may have decreed. *Beng.* 1793 *R* 10 § 5 *C* 4 *Ced. Prov.* 1803 *R.* 52 § 9. *C.* 4

14 Persons, not born idiots, are to be produced annually or oftener if deemed necessary before the Zilla Court, who, if the disqualification appear to be completely removed, shall report the case to the Sudder Dewannee Adaulut, and this Court shall communicate its decision to the Governor General in Council, who will order the Court of Wards to give up charge of the estate or not, according as the Sudder Dewannee Adaulut may have decreed. *Beng.* 1793 *R* 10. § 5 *C* 5 *Ced Prov.* 1803 *R* 52 § 9. *C.* 5

15. Any person, deeming the ground of disqualification to have ceased, may present a petition to the Zilla Court, who shall transmit it to the Sudder Dewannee Adaulut, and it is to be proceeded on as in Clause 4. *Beng.* 1793 *R.* 10. § 5. *C.* 6 *Ced. Prov.* 1803 *R.* 52. § 9. *C* 6.

16 Landholders, disqualified on account of lunacy &c. are to have guardians. *Beng* 1793 *R.* 10 § 22. *Ced. Prov.* 1803 *R.* 52. § 26.

17 And are not to be sued except jointly with their guardians. *Beng.* 1793 *R* 10. § 32. *C* 1. *Ced. Prov.* 1803 *R* 52. § 36. *C.* 1.

18.

18. Such guardians are to be chosen by the Collector, subject to the approbation of the Board of Revenue; but shall not be the legal heirs or other persons interested in outliving the ward: and landholders may appoint guardians by will to their disqualified heirs; such testamentary appointments shall be reported by the Collector to the Court of Wards with his sentiments, and shall be preferred if the person be otherwise duly qualified. 1793 *R.* 10 § 21. *Ced. Prov.* 1803 *R.* 52. § 25.

19. The guardian is to have charge of the person, maintenance and education of the ward. *Beng.* 1793 *R.* 10. § 7 & 20. *Ced. Prov.* 1803 *R.* 52. § 11 & 24.

20. The guardian of such a disqualified proprietor, when sued jointly with the ward, is not to give security. 1795 *R.* 55. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 7. A. D. 17[illegible]

21. The manager to the estate of a disqualified proprietor is to be chosen by the Collector with attention to capacity and character, and approved by the Board, but without any regard to connexion with the proprietor; and is to be considered as an officer of Government acting under the Collector. *Beng.* 1799 *R.* 7. § 26. *Ced. Prov.* 1803 *R.* 52. § 12. A. D. 17[illegible]

22 If the Collector, or any person interested in the family welfare, represent to the Court any objections against the eligibility of the next of kin as guardian to such disqualified proprietor of a joint undivided estate, the Court, if satisfied that the objections are well founded, shall nominate a guardian, reporting the circumstance to the Sudder Dewannee Adaulut. *Beng. Ben.* 1800 *R.* 1. § 1 *Ced. Prov* 1805 *R.* 8. § 29. *C.* 8. A. D. 1[illegible]

23. Attending to the capacity, character and responsibility of the person selected, and never choosing the legal heir or other person interested in outliving the ward. *Beng. Ben.* 1800 *R.* 1. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 9.

24. The estates of such disqualified proprietors are liable to sale for arrears of revenue. *Beng. Ben.* 1800 *R.* 1. § 6. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 13.

25. The guardian is to have the care of the person and maintenance of the ward, and shall vote in the election of a manager; and the manager shall account to such guardian for the ward's share of the profits arising from the estate. *Beng. Ben.* 1800 *R.* 1. § 5. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 12.

26. Sections 23 to 25, Regulation 8 of 1793, for the appointment of a manager to a joint estate, are rescinded. *Beng.* 1805 *R.* 17. § 2. A. D. 1[illegible]

27. The guardians of such joint proprietors as are disqualified, shall superintend their

their interests, and exercise the same powers in the management of the estate which could have been exercised by the proprietors themselves if qualified. *Beng* 1803 *R.* 17. § 5.

MANAGERS.

1. A manager is to be chosen by the proprietors of a joint estate, if not all disqualified, and he shall have the exclusive management of the lands during the continuance of his appointment: the choice of the majority of proprietors present is binding on the remainder; the election shall be determined by the greater interest of the voters where the votes are equal, and the manager shall be appointed by the Board of Revenue if the votes and interest be both equal. *Beng* 1793 *R.* 8. § 23. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 1.

ditto 2. Disqualified sharers in a joint estate may vote in the election. *Beng.* 1793 *R.* 8. § 20.

ditto 3. Or their guardians, if they have guardians, shall vote for them. *Beng.* 1793 *R.* 8. § 24. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 2.

ditto 4. If the proprietors neglect or refuse to elect a manager, the Collector shall nominate him for the approbation of the Board: such manager shall have the exclusive management while it may be thought proper to continue him, but the expense and responsibility are to rest with the proprietors. *Beng.* 1793 *R.* 8. § 25. *Ced Prov.* 1803 *R.* 52. § 5. *C.* 3.

5. A manager shall also be elected by the claimants to an estate of which neither claimant has possession, but, if they do not agree to elect a manager, the estate shall be held Khas. *Beng.* 1793 *R.* 8. § 31.

ditto 6. And by two or more heirs succeeding to an estate, if they choose to hold their shares united. *Beng.* 1793 *R.* 11. § 4.

7. When such an estate shall be ordered to be divided, it shall continue under charge of the manager until the division shall have been finally made, and each proprietor put into distinct possession of his share. *Beng.* 1793 *R* 25. § 28. *Ced. Prov.* 1803 *R.* 26. § 58.

8. Estates of disqualified landholders are to be managed for their benefit by persons appointed to the trust by Government. *Beng.* 1793 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 52. § 1.

9. Such managers are to be chosen by the Collectors, and approved by the Court of [illegible] a preference is to be given to the legal heir, or other near relation, or to a

servant

servant of the family, with due consideration of his capacity, character, and responsibility; if a female desire it, her husband may be manager. *Beng.* 1793 *R.* 10. § 4. *C.* 1.

10 Females, not otherwise disqualified, may recommend the manager. *Beng.* 1793 *R.* 10. § 8 *C.* 2.

11. The trust of manager shall be considered distinct from the trust of guardian, but may be vested in the same person *Beng.* 1793 *R.* 10. § 6. *Ced. Prov.* 1803 *R.* 52. § 10.

12. When united, the person shall execute distinct obligations, and deliver distinct accounts. *Beng.* 1793 *R.* 10. § 30. *Ced Prov.* 1803 *R* 52. § 34.

13. Such managers are to have charge of the estate real and personal. *Beng.* 1793 *R.* 10 § 7 & 15. *Ced. Prov.* 1803 *R* 52. § 11 & 19.

14 Except the house in which the proprietor resides, the moveables in use, and the allowance for the maintenance of the ward, which shall be left to the care of the guardian, and the manager shall deposite a signed inventory in the Collector's office. *Beng.* 1793 *R.* 10 § 15. *Ced. Prov* 1803 *R.* 52. § 19.

15. And shall deliver to the Collector all title deeds, mortgages, and Government securities, belonging to the estate. *Beng.* 1793 *R.* 10 § 18. *Ced. Prov.* 1803 *R.* 52 § 22.

16. And all family seals belonging to the ward. *Beng.* 1793 *R.* 10. § 31. *Ced. Prov.* 1803 *R* 52 § 35.

17. Such managers are to give security for their appearance, and execute a penal obligation subjecting them to treble fine on proof of embezzlement. *Beng.* 1793 *R.* 10. § 9. *Ced Prov* 1803 *R.* 52. § 13.

18. Are to have a personal allowance, adequate to their trouble, fixed by the Court of Wards on the recommendation of the Collector. *Beng.* 1793 *R.* 8 § 10. *Ced. Prov.* 1803 *R* 52 § 14.

19. An establishment of necessary officers shall be similarly fixed; the managers may appoint their officers subject to the approbation of the Collector, and removable on proof of embezzlement with the same fine to which the manager is liable. *Beng.* 1793 *R.* 10. § 11. *Ced. Prov.* 1803. *R.* 52 § 15.

20.

20. Managers, during the disqualification, may be sued in the Court of Wards, in behalf of the ward, by any person giving security for costs and damages in case of nonsuit: judgments of the Court of Wards may be appealed to the Sudder Dewannee Adaulut in three months, or afterwards on cause shown for the delay. *Beng.* 1793 *R.* 10. § 32 *C* 2 *Ced. Prov* 1803 *R* 52. § 40.

21. After the disqualification shall have ceased, or if the estate devolve to a person not disqualified, the manager may be sued in the Zilla Court. *Beng* 1793 *R.* 10 § 36. *Ced Prov.* 1803 *R.* 52 § 40.

22 Managers are to obey all orders of the Court of Wards not contrary to a Regulation. *Beng.* 1793 *R.* 10 § 35. *Ced Prov.* 1803 *R.* 52 § 39.

23 Such managers are to pay, from the collections of the estate, to the Collector, the monthly instalments due to Government, or as much as the collections will admit of, after defraying the establishment and allowance for the ward's maintenance. *Beng.* 1793 *R.* 10. § 12. *C.* 2 *Ced. Prov.* 1803 *R.* 52 § 16 *C.* 2.

24 The allowance for the ward's maintenance is to be paid by the manager to the guardian if there be one *Beng* 1793 *R* 10. § 14 *Ced. Prov.* 1803 *R.* 52 § 18.

25. Or to the landholder if there be no guardian *Beng.* 1793 *R.* 10. § 22 *Ced. Prov.* 1803 *R.* 52 § 26.

26 Such managers are to appropriate all surplus money to the discharge of any arrear of a preceding year, or for the benefit of the estate under the directions of the Collector if no such arrear exist. *Beng* 1793 *R.* 10. § 12 *C* 2. *Ced Prov.* 1803 *R.* 52 § 16 *C* 2

27. And to the payment of outstanding debts, if authorized by the Court of Wards; charging only the sum actually paid, if the debt be compromised. *Beng.* 1793 *R.* 10. § 19. *Ced. Prov.* 1803 *R.* 52 § 23.

28. And shall similarly apply any saving by a reduction of the ward's allowance, and the income from any resources independent of the lands, which the Collector may judge unnecessary for the ward. *Beng.* 1793 *R* 10 § 13. *Ced. Prov.* 1803 *R* 52 § 17.

29 The guardian is to pay over to the manager, at the end of the year, any balance in his hands of the ward's allowance, which the Collector may deem unnecessary to be retained by the guardian. *Beng.* 1793 *R* 10. § 26. *Ced. Prov.* 1803 *R* 52. § 30.

30. The interest payable on Government securities is to be paid to the manager, and similarly appropriated. *Beng.* 1793 *R.* 10. § 18. *Ced. Prov.* 1803 *R.* 52 § 22.

31. Such managers are to act to the best for the proprietor's interest; granting no lease to extend beyond his life, or contrary to Regulation 44; and not disposing of any part of the permanent property without the sanction of the Court of Wards. *Beng.* 1793 *R.* 10. § 16. *Ced. Prov.* (beyond his minority) 1803 *R.* 52. § 20.

32. And are to render monthly accounts current for the receipts and disbursements; which the Collector shall audit. *Beng.* 1793 *R.* 10. § 12. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 16. *C.* 2.

33. And an annual account on oath, unless exempted from swearing by the Court of Wards. *Beng.* 1793 *R.* 10. § 17. *Ced. Prov* 1803 *R.* 52. § 21.

34. And are to sign and seal all papers with their own names and seals, and not with the name and seal of the ward or his parents. *Beng.* 1793 *R.* 10 § 31. *Ced. Prov.* 1803 *R.* 52. § 35.

35. Managers may distrain for rent. *Beng.* 1793 *R.* 17. § 30. *Ben.* 1795 *R.* 45. § 28. *Ced. Prov.* 1803 *R.* 28 § 28.

36. And resume illegal grants of rent-free land made since 1st December 1790. *Beng.* 1793 *R.* 19. § 10. *Ben.* 1795 *R* 41. § 10.

37. And grants revertible to the Zemindar if not registered within the time allowed. *Beng.* 1793 *R.* 19. § 26. *Ben.* 1795 *R.* 41. § 26.

38. Managers of estates of disqualified landholders may be appointed Commissioners of lawsuits. *Beng.* 1793 *R.* 40. § 5. *C.* 3. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 5.

39. Such commission is to cease with their office. *Beng.* 1793 *R.* 40. § 5. *C.* 4. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 6.

40. The Court of Wards may place contiguous estates under the same manager. *Beng.* 1793 *R.* 50. § 6. *Ced. Prov.* 1805 *R.* 8 § 29. *C.* 6.

41. Managers may sue for rents by the summary mode. *Beng.* 1795 *R.* 35. § 20. A. D. 1795

42. Managers of undivided estates may be commissioners for the trial of civil suits. *Beng.* 1795 *R.* 36. § 5. *Ced. Prov.* 1803 *R.* 16. § 30. Rescinded Beng. 1805 I 27 § 2

43. Managers for estates of disqualified landholders, and for joint undivided estates, may prosecute for arrears of rent in the mode allowed to landholders and farmers. *Beng* 1799 *R.* 7. § 19. *Ben.* 1800 *R.* 5. § 18. *Ced. Prov.* 1803 *R.* 28. § 36. A. D. 1799

A. D. 1799 44. The managers for the estates of disqualified landholders are to be hereafter chosen by the Collector, and approved by the Board, without any regard to their connexion with the proprietor or to the will of the proprietor; but are to be considered as officers of Government: the Collectors are to report to the Board if dissatisfied with the conduct of any of the present managers, and recommend a successor, and will be held responsible for the nomination of proper persons as to character and capacity. *Beng.* 1799 *R.* 7. § 26. *Ced. Prov.* 1803 *R.* 52. § 12.

A. D. 1800 45. The manager of a joint undivided estate shall account to the guardian appointed by a Civil Court to the care of the disqualified heir of any proprietor, for the ward's share of the profits; and such guardian is to vote in the election of the manager. *Beng. Ben.* 1800 *R.* 1. § 5. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 12.

46. Managers of joint estates in Benares, may prosecute for rents in the mode allowed to landholders and farmers. *Beng.* 1800 *R.* 5. § 18. *Ced. Prov.* 1803 *R.* 28. § 36.

47. A manager, wilfully omitting any village in the statement furnished to the Collector, and not reporting any new village established, shall be fined at the discretion of Government. *Beng. Ben.* 1800 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 42. § 40.

48. And not reporting the succession of a disqualified landholder to any estate, shall be liable to be fined similarly. *Beng.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42. § 41.

A. D. 1805 49 Sections 23 to 25, Regulation 8 of 1793, for the election of a manager to a joint undivided estate are rescinded. *Beng.* 1805 *R.* 17. § 2.

A. D. 1806 50 Copies of translations of Regulation 11 of 1806, for facilitating the progress of detachments of troops, &c. shall be sent by the Collectors to the managers of estates, for publication. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 11.

MARINE DEPARTMENT.

A. D. 1793 Re-enacted 1795 R. 39 § 7 1. Vessels are to be prevented from mooring or lying, between the north west and south west bastions of the Calcutta Old Fort, nearer than the middle of the stream. *Beng.* 1793 *R* 42. § 29.

ditto § 18 2. Vessels are not to have a Pilot till a certificate be produced to the Master Attendant, that the import and export duties have been paid. *Beng.* 1793 *R.* 42. § 30.

ditto 3. The Master Attendant shall order the Pilot of every cleared vessel to report to the Custom Master, if any goods be received on board after her clearance, and to endorse the same on the clearance. *Beng.* 1793 *R.* 42. § 31.

4. The cargo shall not be landed from any ships obliged to furnish the list of Europeans on board required by the orders of 25th June 1788, until a copy of the list be received by the Custom Master from the Master Attendant, nor the goods or baggage of any person except the persons named in the list. *Beng.* 1793 *R.* 42. § 33. A. D. 1793 Re-enacted 1795 R. 39 § 4

5. Vessels are to be prevented from mooring or lying, between the northwest and southwest bastions of the Calcutta Old Fort, nearer than the middle of the stream. *Beng.* 1795 *R.* 39. § 7. A. D. 1795

6. The Master Attendant shall not grant a Pilot to any vessel until the Custom Master's certificate be produced that duties both import and export have been paid, and that the Police Regulations of 25th June 1788 have been complied with. *Beng.* 1795 *R.* 39. § 18. *C.* 2.

7. He shall order the Pilot of every vessel not to permit the loading of any goods after she has obtained her clearance, unless accompanied by a certificate from the Custom Master of the export duties being paid thereon. *Beng.* 1795 *R.* 39. § 18. *C.* 3.

8. The Pilot shall report to the Master Attendant, and detain the vessel till the receipt of orders, if the Commander shall notwithstanding receive any such goods on board. *Beng.* 1795 *R.* 39 § 18. *C.* 4.

9. The cargo shall not be landed from any ship obliged to furnish the list of Europeans on board required by the orders of 25th June 1788, until the list be received by the Custom Master from the Master Attendant; nor the goods or baggage of any person not named in the list *Beng.* 1795 *R.* 39. § 8.

10. The Commander of any vessel licensed to import salt shall on her arrival produce the license to the Pilot. *Beng.* 1795 *R.* 52. § 11.

11. And shall deliver to him a report of the quantity of salt on board. *Beng.* 1795 *R.* 52. § 14.

12. Or a report signifying that there is no salt on board. *Beng.* 1795 *R.* 52. § 15.

13. The Pilot shall forward the report to the Salt Office by the Chokee boat if there be one; otherwise shall deliver it to the Master Attendant, who will forward it to the Salt Office. *Beng.* 1795 *R.* 52. § 16.

14. A Pilot, not transmitting the report, is to be fined five Rupees; and transmitting it, if there be salt in the vessel, shall receive a fee of five Rupees. *Beng.* 1795 *R.* 52. § 16.

15.

A. D. 1795 15. The Pilot shall certify whether the vessel's name be duly painted on the stern. *Beng.* 1795 *R.* 52. § 16.

A. D. 1801 16. The duty on Donies is to be collected by the Marine Paymaster, on a certificate which the Master Attendant is required to grant to the Commander on application; and the Marine Paymaster shall, on receipt of the duty, grant the Commander a certificate. *Beng.* 1801 *R.* 7. § 3.

17. The Master Attendant shall report to the Marine Board, and stop the vessel, if any attempt be made to depart without payment: and shall not suffer her to depart until payment of double duty if the Board order it. *Beng.* 1801 *R.* 7. § 4.

18. The Marine Paymaster is to collect the duty on other vessels for the Achipoor magazine, when he levies the pilotage money. *Beng.* 1801 *R.* 7. § 7 *C.* 1.

19. The Master Attendant is to cause the number of each Dony to be painted on the vessel's stern. *Beng.* 1801 *R.* 7. § 5.

20. And shall keep a register of all Donies trading to or from the port of Calcutta. *Beng.* 1801 *R.* 7. § 6.

MARKETS.

A. D. 1793 1. All duties, taxes, or other collections, made by individuals either on their own or the public account, in the Gunjes, Hauts and Bazars within the provinces, except those situated in Calcutta, and except the rent paid for the use of land, or for houses, shops or other buildings, shall be abolished. *Beng.* 1793 *R.* 27. § 4.

2. The proprietary right in the land, on which Hauts and Bazars are held, is to continue vested in the landholders; but the public are to have the free use of it; and it is to remain appropriated to the purpose, free of all charge to the venders; and the landholders are prohibited from either appropriating the land to any other purpose or levying any exaction from the persons who expose their goods therein for sale. *Beng.* 1793 *R.* 27. § 5. *C.* 1.

3. Except the monthly or annual rent of permanent shops or other buildings. *Beng.* 1793 *R.* 27. § 5. *C.* 2.

4. All complaints for such exactions shall be heard within ten days or as soon after as possible; and, on proof, the party shall be adjudged to refund the amount exacted with damages equal to double the amount and costs, and a heavy fine to Government: and if property, sufficient for the discharge of the fine after payment of the damages and costs, should not be found, the Court may commute the fine into a period of imprisonment deemed adequate. *Beng.* 1793 *R.* 27. § 11.

5.

5. Police Daroghas are to proceed in person, or depute one of their officers, to the several towns, Gunjes, Bazars, and Hauts, on market days, to prevent any disputes between the venders and persons resorting to the markets. *Beng.* 1793 *R.* 22. § 19. *Ben.* 1795 *R.* 17. § 18. *Ced. Prov.* 1803 *R.* 35. § 19. A. D.

6. And the Daroghas of cities. *Beng.* 1793 *R.* 22. § 37. *Ben.* 1795 *R.* 17. § 34.

7. For purchases openly and fairly made in the public Hauts and Bazars, the buyers shall not be liable to prosecution, unless the cloths have the Company's mark. *Beng.* 1793 *R.* 31. § 5. *Ced. Prov.* 1803 *R.* 37. § 5. ext. *Ben.* 1805 *R.* 4. § 2.

8. Creditable merchants, traders &c. shall be appointed Commissioners for the trial of lawsuits in Hauts, Bazars and Gunjes of sufficient extent to require the appointment of a separate Commissioner. *Beng.* 1793 *R.* 40. § 5. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 5.

9. All Gunj collections in Benares are prohibited under penalty of treble the amount exacted, payable to the party from whom the exactions may be made, on proving them in a Court of Judicature. *Beng.* 1795 *R.* 4. § 8. A. D. 1795

10. All complaints for such exactions shall be heard in preference to other suits. *Ben.* 1795 *R.* 4 § 9.

11. The Custom-house Daroghas shall report to the Collector any Chokee established for the collection of Gunj duties; and should the party not immediately withdraw the Chokee, and pay to the Collector the amount collected, the Collector shall institute a prosecution against him for the penalties. *Ben.* 1795 *R.* 4. § 10.

12. The duties on articles sold in the Bazars and Gunjes in the Provinces ceded by the Nuwab Vizeer to the Company, shall be levied at the usual rates until modified or altered by a Regulation. *Ced. Prov.* 1803 *R.* 38. § 15. A. D. 1803 Re-enacted 1805 R. 6 § 3

13. And in the Provinces ceded by Dowlut Row Sindia and by the Peshwa. *Ced. Prov.* 1804 *R.* 11. § 39. A. D. 1804 ditto

14. Duties on articles sold in the Bazars and Gunjes in the Provinces ceded by the Nuwab Vizeer shall be abolished from 10th September 1805. *Ced. Prov.* 1805 *R.* 6. § 2. A. D. 1805

15. And in the Provinces ceded by Dowlut Row Sindia and by the Peshwa. *Ced. Prov.* 1805 *R.* 6. § 3.

A. D. [illegible] 16. All complaints for such exactions shall be heard within ten days, or as soon after as possible; and, on proof, the party shall be adjudged to refund the amount exacted with damages equal to double the amount and costs, and a heavy fine to Government; and if property, sufficient for the discharge of the fine after payment of the damages and costs, should not be found, the Court may commute the fine into a period of imprisonment deemed adequate. *Ced. Prov.* 1805 *R.* 6. § 36.

MARRIAGE.

A. D. 1793 1. Suits relative to marriage are to be heard in the Courts of Civil Judicature. *Beng.* 1793 *R.* 3. § 8. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 5.

2. And are to be decided according to the law of the religion of the parties; which is to be expounded by the law officers. *Beng.* 1793 *R.* 4. § 15. *Ben.* 1795 *R.* 8. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 1.

3. A statement of the facts, on which the question of law arises, shall be delivered in writing under the signature of the Judge to the law officer; who shall annex thereto his answer attested with his signature. *Beng.* 1793 *R.* 4. § 16. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 17

4. The Adaulut of Zilla Twenty-four Pergunnas may entertain suits concerning marriage in which no money nor valuable thing is demanded or decreed, though the cause of action have arisen, or the defendant may reside, within the town of Calcutta. *Beng.* 1793 *R.* 3. § 17.

5. The plaint in a suit relating to marriage shall state, according to the nearest estimate, the exact amount in which the plaintiff is endamaged. *Beng.* 1793 *R.* 4. § 3. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 3.

Re-enacted 1804 R. 1. § 12 6. Widows of invalided Sepoys do not forfeit their Jageers by marrying again. *Beng.* 1793 *R.* 43. § 9.

Rescinded 1799 R. 7 § 26 7. A husband may be manager under the Court of Wards, for any separate property of his wife, if she desire it. *Beng.* 1793 *R.* 10. § 8. *C.* 1.

8. Cazees are not to exact any fees on the celebration of marriages except what the parties may voluntarily give. *Beng.* 1793 *R.* 39. § 8 ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 8.

A. D. 1795 9. The heirs of a husband are not barred from recovering his estate from the widow's heirs, by the husband's heirs having left her in the enjoyment of his estate for the period of her own life previous to the term limited for actions. *Ben.* 1795 *R.* 22. § 25. *C.* 15.

10.

10. Cazees are allowed to receive, as heretofore, fees paid to them voluntarily by the parties for the performance of marriage ceremonies. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 1.

11. Deeds relating to marriage settlements need not be stamped; but copies of such deeds, prepared and attested by a Cazee, Muftee or his officer, must be stamped. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 1.

12. Widows of invalided Sepoys do not forfeit their Jageers by marrying again. *Beng.* 1804 *R.* 1. § 12. A. D. 1804

M I N O R I T Y.

1. Suits may be entertained, notwithstanding the limitation of actions, on proof of having been precluded from obtaining redress by minority. *Beng.* 1793 *R.* 3. § 14. *Ben.* 1795 *R.* 7. § 8. *Ced. Prov.* 1803 *R.* 2. § 18. *C.* 3. *Cuttack* 1805 *R.* 14. § 8. A. D. 17[illegible]

2. Minor landholders, if they be not partners in a joint estate with others not disqualified, are not to have the management of their estates. *Beng.* 1793 *R.* 8. § 20.

3. Which, if entire estates, shall be managed for their benefit in trust by persons appointed by Government. *Beng.* 1793 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 52. § 1.

4. Such manager is to be chosen by the Collector, subject to the approbation of the Board; preference being given to the heir of the estate or a near relation, or a family servant. *Beng.* 1793 *R.* 10. § 8. *C.* 1. Modified 1799 R. 7 § 2[illegible]

5. And shall be under the superintendence of the Court of Wards. *Beng.* 1793 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 52. § 3.

6. And such estates are not liable to be sold for arrears of Revenue, nor shall such proprietor be liable to arrest and confinement for such arrears. *Beng.* 1793 *R.* 1. § 8. *C.* 1. *R.* 14. § 48. *Ced. Prov.* 1803 *R.* 52. § 6.

7. The Collector is to report to the Board, whenever any proprietors come within this description of disqualification. *Beng.* 1793 *R.* 10. § 4. *Ced. Prov.* 1803 *R.* 52. § 8.

8. Stating the condition of the party, the particulars of the estate, the person deemed most eligible for manager and guardian, with a report of any testamentary appointment of guardian, and any objection to the confirmation thereof. *Beng.* 1793 *R.* 10 § 34. *Ced. Prov.* 1803 *R.* 52. § 38.

9. If a Collector report a landholder disqualified on the grounds of minority, the Court of Wards, if there be no doubt of his nonage shall take charge of the estate,

and

D. 1793. and report it to Government; if a petition denying the party's nonage be prefented to the Zilla Court, the Judge fhall fend it to the Sudder Dewannee Adaulut, who will order the Zilla Court, or the Provincial Court of Appeal, to afcertain the party's age by ocular infpection and the oath of three witneffes; the proceedings fhall be fent to the Sudder Dewannee Adaulut whofe decifion fhall be final and is to be certified to Government; and the Governor General in Council will order the Court of Wards to take charge of the eftate or not, according as the Sudder Dewannee Adaulut fhall have decided. *Beng.* 1793 *R.* 10. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 2.

10. A petition, afferting nonage to have ceafed, fhall be fimilarly proceeded on. *Beng.* 1793 *R.* 10. § 5. *C.* 6. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 6.

11. Landholders, difqualified on account of minority, are to have guardians. *Beng.* 1793 *R.* 10. § 22. *Ced. Prov.* 1803 *R.* 52. § 26.

12. Female guardians fhall be affigned to female minors. *Beng.* 1793 *R.* 10. § 21. *Ced. Prov.* 1803 *R.* 52. § 25.

13. Minors are to be fued under the joint name of the guardian. *Beng.* 1793 *R.* 10. § 32. *C.* 1. *Ced. Prov.* 1803 *R.* 52. § 36 *C.* 1.

14. The guardians are to take care of the minor's perfon, maintenance and education. *Beng.* 1793 *R.* 10. § 7. & 20. *Ced. Prov.* 1803 *R* 52. § 11. & 24.

15. And on the minor, if a male, attaining the age of tuition, the guardian fhall provide proper teachers to give him an education fuitable to his fituation in life. *Beng.* 1793 *R.* 10. § 27. *Ced. Prov.* 1803 *R.* 52. § 31.

16. Or, if a female, the guardian fhall take care that fhe receive an education fuitable to her condition. *Beng.* 1793 *R.* 10. § 29. *Ced. Prov.* 1803 *R.* 52. § 33.

17. The guardian is to be chofen by the Collector fubject to the approbation of the Board; but fhall not be the legal heir or other perfon interefted in outliving the ward: landholders may appoint guardians to their minor heirs by will; and fuch teftamentary appointments fhall be reported by the Collector to the Board, with his fentiments, and fhall be preferred if the perfon be otherwife duly qualified. *Beng.* 1793 *R.* 10. § 21. *Ced. Prov* 1803 *R.* 52. § 25.

18. Minority firft fixt at the expiration of fifteen years. *Beng.* 1793 *R.* 10. § 28.

19. Afterwards extended to the end of eighteen years. *Beng.* 1793 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 52. § 32.

20.

20. The superintendence of female relations over male minors is to cease at five years of age. *Beng.* 1793 *R.* 10. § 27. *Ced. Prov.* 1803 *R.* 52. § 31. A. D.

21. If minors be partners in a joint estate with others not disqualified, the estate is to be under a manager elected by the majority of proprietors present, or, if the votes be equal, by the greater interest of the voters; or, if the votes and interest be both equal, the manager shall be appointed by the Board of Revenue. *Beng.* 1793 *R.* 8. § 23. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 1. Rescinded 1803 R. 1

22. And their guardians shall vote in the election. *Beng.* 1793 *R.* 8. § 24. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 2. ditto

23. And if the proprietors of such an estate omit to elect a manager on the requisition of the Collector, he shall nominate one for the approbation of the Board; but the responsibility and expense of such manager shall rest with the proprietors. *Beng.* 1793 *R.* 8. § 25. *Ced. Prov.* 1803 *R.* 52 § 5. *C.* 3. ditto

24. The determination of the majority shall be similarly binding in agreeing or disagreeing to the proposed Jumma of such estates. *Beng.* 1793 *R.* 8. § 26. *Ced. Prov.* 1803 *R.* 52. § 5. *C.* 4.

25. The proprietors of such estates are not liable to arrest and confinement for arrears of revenue. *Beng.* 1793 *R.* 14. § 48. *Ced. Prov.* 1803 *R.* 27. § 50. *R.* 52. § 6.

26. If the heir of a murdered person shall not have attained the legal age for demanding Kissas, the law officers shall be required to declare what would have been the Futwa had he been of legal age and had required Kissas; and the Nizamut Adaulut shall pass the same sentence, as if he had. *Beng.* 1793 *R* 9 § 55. ext. *Ben.* 1795 *R.* 16. § 22. Rescinded 1797 R. 4 § 2

27. If a sharer in an estate under division be a minor, the Court of Wards shall be careful that his rights be duly attended to. *Beng.* 1793 *R.* 25. § 26. *Ben.* 1795 *R.* 26. § 6. *C.* 2. *Ced. Prov.* 1803 *R.* 26. § 57.

28. Guardians of minors, sued jointly with the ward, are not to give security. *Beng.* 1795 *R.* 55. § 2. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 7. A. D. 1795

29. The manager to the estate of a minor proprietor is to be chosen by the Collector, with due attention to capacity and character, and approved by the Board; but without any regard to connexion with the proprietor; and is to be considered as an officer of Government acting under the Collector. *Beng.* 1799 *R.* 7. § 26. *Ced. Prov.* 1809 *R.* 52. § 12. A. D. 1799

A. D. 1800 30. If the Collector, or any person interested in the family welfare, should represent to the Court any well founded objection to the next of kin, as guardian to the minor heir of a proprietor in a joint undivided estate, no guardian having been appointed by will, the Court shall nominate a guardian, reporting it to the Sudder Dewannee Adaulut. *Beng. Ben.* 1800 *R.* 1. § 1. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 8.

31. Attending to the capacity, character and responsibility of the person selected, and never choosing the next heir or other person interested in outliving the ward. *Beng. Ben.* 1800 *R.* 1. § 2. *Ced. Prov.* 1805 *R* 8. § 29. *C.* 9.

32. The estates of such minors are liable to sale for arrears of revenue. *Beng. Ben.* 1800 *R.* 1. § 6. *Ced. Prov.* 1805 *R.* 8. § 29. *C.* 13.

33. Such guardians are to have the care of the person, maintenance and education of the ward, and shall vote in the election of a manager; and the manager shall account to the guardian for the ward's share of the profits from the estate. *Beng. Ben.* 1800 *R.* 1. § 5. *Ced. Prov.* 1805 *R.* 8. § 29 *C.* 12.

34. On a minor's succession to an estate, the guardian, or whoever may act for him in the management of the estate, shall report the succession to the Collector, under penalty of a fine in the discretion of Government, on report of the Collector through the Board of Revenue. *Beng. Ben.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42. § 41.

A. D. 1805 35. Sections 23 to 25, Regulation 8 of 1793, for the appointment of a manager to joint estates, are rescinded. *Beng.* 1805 *R.* 17. § 2.

36. The guardian of such joint proprietors as are minors, shall superintend their interests, and exercise the same power in the management of the estate, which could have been exercised by the proprietors themselves if qualified. *Beng.* 1805 *R.* 17. § 5.

MINTS AND COINS.

I. *GENERAL RULES.*

A. D. 1793 1. Mint-masters and Assay-masters, their Assistants and native officers, are amenable to the Civil Courts for acts done officially in opposition to any Regulation. *Beng.* 1793 *R.* 3. § 10. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 7.

2. But not for acts done pursuant to a special order of Government, or of the Board of Revenue, without the leave of Government granted on the petition of the party aggrieved. *Beng.* 1793 *R.* 3. § 11. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2 § 15.

3.

3. Any person, aggrieved by such an act, is to present a petition to the Judge, stating the injury and praying the leave of Government to sue; and, if, on the transmission of the petition, Government should permit a suit to be tried for such an act, the officer is to defend it under the directions of Government or of the Board, through the Vakeel of Government: if Government be cast, the officer shall send the decree and proceedings to Government or to the Board with a letter stating his objections: Government will order an appeal or not as may be deemed advisable: costs and damages in such suits are to be defrayed from the public Treasury. *Beng.* 1793 *R.* 3. § 11. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 15.

4. Persons, committed for trial before the Court of Circuit on a charge of counterfeiting the coin, are not to be admitted to bail. *Beng* 1793 *R.* 9. § 7. ext. *Ben.* 1795 *R.* 16. § 4 *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 7.

5. Individuals are prohibited affixing any private marks on the coin; and coin thus marked shall be no tender, and shall be refused at the public Treasuries. *Beng.* 1793 *R.* 35. § 13. *Ced. Prov.* 1803 *R.* 45. § 16.

6. And all persons counterfeiting, filing, or debasing, the coin, are to be committed to the criminal Courts. *Beng.* 1793 *R.* 35. § 12. *Ced. Prov.* 1803 *R.* 45. § 14.

7. After the 10th April 1794 none but the established coin shall be received at, or issued from, the public Treasuries, or shall be a legal tender of payment. *Beng.* 1793 *R.* 35. § 18. *Ced. Prov.* (after the year 1213) 1803 *R.* 45. § 22.

8. Any native officer of a Treasury, refusing to receive such Rupees, shall, on proof in a Civil Court, be dismissed, and condemned in costs and damages. *Beng.* 1793 *R.* 35. § 22. *Ced. Prov* 1803 *R.* 45 § 27.

9. And receiving any other Rupee, shall, on proof in a Civil Court, be dismissed and condemned in a fine. *Beng.* 1793 *R.* 35. § 23. *Ced. Prov.* 1803 *R.* 45. § 28.

10. After the 10th April 1794 no landholders, &c. shall recover from the tenants, &c. any arrear due on engagements made in any except the established Rupee. *Beng.* 1793 *R.* 35. § 21. *Ced. Prov.* (after the year 1215) 1803 *R.* 45. § 26. *Cuttack* (after the year 1213) 1805 *R.* 12. § 16.

11. Engagements made prior to the 10th April 1794 may be paid either in the specified Rupee, or in the established Rupee at the established valuation. *Beng.* 1793 *R.* 35. § 19. *Ced. Prov.* (prior to the year 1216) 1803 *R.* 45. § 24. *Cuttack* (prior to the year 1214) 1805 *R.* 12. § 14.

12.

A. D. 1793 Postponed 1794 R. 6 § 2 1795 R. 59 § 2 1796 R. 3 § 2 1803 R. 54 § 2

12. No engagement written or verbal made subsequent to that date shall be recoverable in a Court of Judicature, if stipulating any besides the established Rupee. *Beng.* 1793 *R.* 35. § 20. *Ced. Prov.* 1803 *R.* 45. § 25. *Cuttack* 1805 *R.* 12. § 13.

13. All engagements of Government for the investment of salt are to be in the established Rupee; also engagements of landholders and revenue farmers with under farmers and tenants. *Beng.* 1793 *R.* 35. § 21. *Ced. Prov.* 1803 *R.* 45. § 26. *Cuttack* 1805 *R.* 12. § 26.

14. All public officers contravening to this Regulation, or to any other Regulation concerning the coin, may be sued for damages in the Civil Courts. *Beng.* 1793 *R.* 35. § 28. *Ced. Prov.* 1803 *R.* 45. § 52.

A. D. 1794 15. Sections 18, 19, 20, & 23, Regulation 35 of 1793, are not to be in force till 10th April 1795, until which time Rupees of sorts shall be current and may be received at the Treasuries, but not again issued, and shall be sent to the Mints for recoining. *Beng.* 1794 *R.* 6. § 2.

A. D. 1795 16. Further postponed till 10th April 1796. *Beng.* 1795 *R.* 59. § 2.

17. Standard Rupees, which have not lost by wear more than six Annas per cent, shall be legal money in public and private payments. *Beng.* 1795 *R.* 61. § 2. *Ced. Prov.* 1803 *R.* 45. § 33.

18. But if the loss, though not greater, should be from filing, clipping, &c. they shall be received only at their intrinsic value. *Beng.* 1795 *R.* 61. § 3. *Ced. Prov.* 1803 *R* 43. § 34.

19. In such case, or if deficient more than six Annas, when tendered at a public Treasury, they shall be received according to the following rule. *Beng.* 1795 *R.* 61. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 45. § 35. *C.* 1.

20. For one hundred Sicca weight, the payer shall receive credit for 100 Rupees, and they are to be sent for recoinage to the Mints. *Beng.* 1795 *R.* 61. § 4. *C.* 2. *Ced. Prov.* 1803 *R.* 45. § 35. *C.* 2.

21. The above rules are equally applicable to halves and quarters. *Beng.* 1795 *R.* 61. § 6. *Ced. Prov.* 1803 *R.* 45. § 36.

22. The Collectors are to be furnished by the Calcutta Mint Master, through the Board of Revenue, with stampt metal weights for regulating receipts and payments at the public Treasuries. *Beng.* 1795 *R.* 61. § 5. *Ced. Prov.* 1803 *R.* 45 § 37.

A. D. 1798 23. Section 20, Regulation 35 of 1793, is not to be in force in Silhet till the 10th April 1798. *Beng.* 1799 *R.* 3. § 2.

24. Not in Chittagong till the 16th August 1803. *Beng.* 1803 R. 54. § 4.

25. Any person, convicted in a Civil Court of refusing to receive payment of the fractional part of a Rupee in copper coin at the Bazar rates, shall be condemned in costs and damages; and, if an officer of Government, shall be liable to dismission. *Ced. Prov.* 1803 *R.* 45. § 50.

26. Persons, counterfeiting the copper coin, shall be committed to the Criminal Courts. *Ced. Prov.* 1803 *R.* 45. § 51. *C.* 1.

27. Whenever a complaint may be instituted against a Mint or Assay Master, for any act except corruption &c., the Judge shall, previous to calling upon the officer for his answer, transmit a copy and translation of the complaint to the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 2.

28. The Governor General, after inquiry into the case, will determine whether it shall be considered as a public or private suit; and the Court, on the receipt of his determination, shall proceed to try it, according to the rules for public or private suits respectively. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 3.

29. Whenever a charge of corruption against a Mint or Assay Master is preferred to a Provincial, Zilla or City Court, or to the Sudder Dewannee Adaulut, the Court shall transmit a copy and translation to the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 4.

30. On receipt of such charge, or of any information communicated directly to the Governor General in Council, or through any official channel, he will, after making necessary inquiries, determine whether there be grounds for a formal investigation. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 5.

31. If a special inquiry appear necessary, the Governor General in Council will appoint a Commissioner or Commissioners for the purpose. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 6.

32. On the appointment of such commission, the officer shall be suspended from office and salary; but, if he be acquitted, the Governor General in Council will order payment from the date of his suspension. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 9.

II. *BENGAL, BEHAR AND ORISSA.*

1. Mints are established at Patna, Moorshedabad and Dacca, in addition to the Calcutta Mint. 1793 *R.* 35. § 2.

2. All gold Mohurs of the eſtabliſhed weight and ſtandard, coined at the Calcutta Mint ſince 20th March 1769, or which may be hereafter coined at any of the Mints, and their fractional parts, ſhall be a legal tender; and any native officer of a public Treaſury, refuſing ſuch money, ſhall, on proof in a Civil Court, be diſmiſſed from his office and amerced in coſts and damages. 1793 *R.* 35. § 3.

3. Standard coin, in wholes, halves, or quarters, at the option of the party, ſhall be delivered from the Mints for ſilver bullion and old or light ſilver coin. 1793 *R.* 35. § 4.

4. And for gold bullion and old or light gold coin. *Beng.* 1793 *R.* 35. § 6.

5. With a deduction of twelve Annas per cent for refining, on ſilver under the Sicca ſtandard. 1793 *R.* 35. § 5.

6. And with a duty of two and half to three and three-fourths per cent for recoinage of gold. 1793 *R.* 35. § 24.

7. Except old gold coin of the Calcutta Mint coined ſince 20th March 1769, or gold coin of the Patna, Dacca and Moorſhedabad Mints, on which no duty ſhall be charged. 1793 *R.* 35. § 25.

8. All bullion received at the Mints is to be aſſayed in the order of its receipt, refined in the order of its being aſſayed, and coined in the order of its being refined; ſtandard bullion ſhall be regiſtered as refined on the day of its aſſay. 1793 *R.* 35. § 26.

9. Two regiſters are to be kept open, one of unaſſayed bullion ſpecifying the quantity, date of receipt, and owner's name; and one of aſſayed bullion ſpecifying the dates of aſſaying and of refining, the owner's name, the produce, and the dates of granting and diſcharging the certificate for the produce. 1793 *R.* 35. § 27.

10. The edges of both gold and ſilver coin are to be milled, and the dies are to be of the ſame ſize with the coin. 1793 *R.* 35. § 7.

11. The coin of the ſeveral Mints is to be preciſely of the ſame ſhape, weight, ſtandard, and impreſſion; the dies are to be cut at the Calcutta Mint; and, when unſerviceable, are to be returned thither. 1793 *R.* 35. § 8.

12. The coin of the ſeveral Mints is to be current indiſcriminately. 1793 *R.* 35. § 9.

13. There ſhall be a diſtinguiſhing mark on the different dies; and the Mint-maſter may occaſionally vary the marks; and ſhall keep a regiſter of them. 1793 *R.* 35. § 10.

14. The Magiſtrates of the cities ſhall viſit the Mint at leaſt once in each fortnight, without notice to the Mint-maſter, and take up indiſcriminately three pieces of coin and tranſmit them to the Calcutta Mint-maſter, who ſhall report any thing defective therein to Government. 1793 *R.* 35. § 11.

[illegible]

16. [illegible] weight of [illegible] number of Sicca Rupees placed opposite to it in the table. 1793 R. 35. § 15.

17. If any Rupees, not specified in the table, should be tendered, [illegible] Sicca weight shall be assayed at the nearest Mint, and the [illegible] shall [illegible] the value in Sicca standard, deducting twelve Annas per cent for refining. [illegible] 35. § 16.

18. Any native officer of a Treasury, refusing to take Rupees of [illegible] authorized valuation, shall, on proof in Court, be dismissed and condemned in [illegible] damages. 1793 R. 35. § 22.

19. Rupees of sorts are to be sent to the Mints for re-coinage and not again issued. 1793 R. 35. § 17.

20. The engagements for the Revenue are to be in Sicca Rupees with a clause to pay Siccas, or the same Rupees which are collected, at the Bazar rates of Batta until sufficient Siccas can be circulated; and such rates are to be inserted by the Collector in his Treasury accounts. 1793 R. 8. § 42.

21. The following is the table of rates. 1793 R. 35. § 14.

SORTS OF RUPEES.	Sicca Weight.	Nineteen for Sicca.		
Sicca of Moorshedabad, Patna and Dacca,	100	100	0	0
Phooly Sonats,	ditto.	100	0	0
Delhi Muhamed Shahee,	ditto.	99	8	0
Money Surat large,	ditto.	99	8	0
Benares Sicca,	ditto.	99	8	0
Bishun Arcot,	ditto.	97	14	6
Sonwats Sabic and Daccaes,	ditto.	97	8	0
Furashee Arcots,	ditto.	97	6	6
French Arcots,	ditto.	97	0	0
Patna Arcots,	ditto.	96	9	6
Arungzebee Arcots,	ditto.	96	[illegible]	[illegible]
Gurfal (Ghyrfal)	ditto.	96	[illegible]	[illegible]
Madras Arcots new,	ditto.	96	[illegible]	[illegible]
Masulipatam 2nd Shardar Arcots,	ditto.	96	0	2
Patna Sonats old,	ditto.	[illegible]	0	0
Madras Rupees old,	ditto.	[illegible]	[illegible]	6
Madras Arcots old,	ditto.	[illegible]	14	6

A. D. 1798	Furrokhabad Rupees,	ditto.	95	12	9
	Jehazee Arcots,	ditto.	95	11	3
	Chaunta Arcots,	ditto.	95	11	3
	Calcutta and Moorshedabad Arcots,	ditto.	95	6	6
	Old Arcots,	ditto.	95	3	3
	Dutch Arcots,	ditto.	95	0	0
	Surat Arcots,	ditto.	94	0	0
	Benares Trifolee,	ditto.	92	6	6
	Viziry Rupees,	ditto.	63	0	0
	Narainy half Rupee new,	ditto.	63	0	0

A. D. 1795 22. The Mint of Moorshedabad is withdrawn. 1795 *R.* 62. § 2.

A. D. 1805 23. Regulation 35 of 1793, is extended to Cuttack. 1805 *R.* 12. § 36.

24. All engagements for the revenue in Cuttack shall be made in Calcutta 19 Sun Sicca Rupees: but Rupees of forts will be received at the Treasuries till the end of 1215, according to the table of rates in Section 14, Regulation 35 of 1793; and, if any Rupees not mentioned in that table be current in Cuttack, the Collector shall forward specimens to the Secretary in the Revenue Department for the purpose of being assayed; and the parties shall receive credit for the intrinsic value ascertained by the assay: a supplementary table of such rates shall be affixed in the Court-house and Collector's Cuchery: but after the expiration of 1215, none except Calcutta 19 Sun Sicca Rupees or gold Mohurs shall be received in payment of the public revenue. 1805 *R.* 12. § 13.

III. *CEDED PROVINCES.*

A. D. 1803 1. A Mint is established at Furrokhabad for coining silver money of the prescribed weight and standard: the Governor General in Council may increase or reduce the number of Mints, and remove them to any place judged proper. 1803 *R.* 45. § 4.

2. A Mint Committee shall be established at Furrokhabad consisting of the Magistrate and Collector for the time being, who shall superintend the business of the Mint, and conform to all instructions from the Mint Committee at Calcutta, not repugnant to a Regulation. 1803 *R.* 45. § 9.

3. And the immediate conduct of the Mint shall be committed to a Mint and Assay Master with an adequate establishment, who shall be subject to the authority of the Mint Committees at Calcutta and Furrokhabad. 1803 *R.* 45. § 10.

4.

4. A silver coin, denominated the Lucnow Sicca Rupee of the 45 Sun, struck in the Mint at Furrokhabad, is to be the established legal silver coin in the provinces ceded by the Nuwab Vizir to the Company. 1803 *R.* 45. § 2.

5. The weight and standard of such Rupee will be hereafter published in a Regulation. 1803 *R.* 45. § 3.

6. It shall be of the same size and form with the Calcutta 29 Sun Sicca Rupee, and bear a prescribed impression. 1803 *R.* 45. § 5.

7. And the halves and quarters shall be proportionally less, and bear the same impression. 1803 *R.* 45. § 6.

8. The edges of the coin shall be milled, and the dies shall be of the same size with the coin. 1803 *R.* 45. § 7.

9. The dies are to be struck at the Calcutta Mint, and when unserviceable are to be returned thither. 1803 *R.* 45. § 8.

10. The Calcutta Mint Master is to put a private mark on the dies, and may vary them occasionally, and shall keep a register of them. 1803 *R.* 45. § 12.

11. The Judge of the Court of Circuit, while holding the half yearly jail delivery of Furrokhabad, shall visit the Mint at each sessions, make all necessary inquiries into the conduct of the business, and report the result to the Governor General in Council: The Mint and Assay Master and Mint Committee shall furnish the Judge with every information required. 1803 *R.* 45. § 11.

12. A Member of the Mint Committee shall visit the Mint at least once in each fortnight, without notice to the officers of the Mint, and take up indiscriminately three pieces of the coin, and transmit them to the Calcutta Mint Master, who shall report any thing defective therein to Government. 1803 *R.* 45. § 13.

13. Sicca Rupees of the prescribed weight and standard, which shall be hereafter coined at the Furrokhabad Mint, and the fractional parts, shall be a legal tender; and any native officer of a public treasury, refusing such money, shall, on proof in the Civil Court, be dismissed from his office and amerced in costs and damages. 1803 *R.* 45. § 15.

14. The triennial settlement, which will be formed at the expiration of 1212, and all future settlements, are to be made in the Lucnow 45 Sun Sicca Rupee; and the difference of the intrinsic value between the species of Rupee in which the existing settlement has been made and the Lucnow 45 Sun Sicca Rupee, according to the

A. D. 1803 table of rates, shall be deducted, and a settlement concluded for the residue. 1803 R. 45. § 17. C. 1.

15. But if a settlement be made previous to the publication of the table of rates and to the commencement of the Furrokhabad coinage, a clause shall be inserted to pay Lucnow Sicca Rupees, or the species of Rupee collected from the tenants &c. at the Bazar rate of Batta: subsequent to the commencement of the new coinage and previous to the publication of the table of rates, the public revenue shall be paid in the new coin or in the species of Rupee collected at the Bazar rates of Batta; and the Collector shall insert such rates of Batta in his Treasury account: subsequent to the commencement of the new coinage and to the publication of the table of rates, the Lucnow Rupee shall be received only at its intrinsic value. 1803 R. 45. § 17. C. 2.

16. Until the commencement of the year 1216, Rupees of sorts may be received from the landholders and farmers at the public Treasuries according to the valuation in a table which will be hereafter published. 1803 R. 45. § 18. C. 1.

17. And in all other transactions between Government and individuals. 1803 R. 45. § 19.

18. A copy of the table when published shall be affixed in a conspicuous part of the Mint and of the Cucheries of the several Judges and Collectors under their respective signatures. 1803 R. 45. § 18. C. 2.

19. One hundred Sicca weight of each sort of Rupee specified in the table, shall be considered equal to the number of Sicca Rupees placed opposite to it in the table. 1803 R. 45. § 20.

20. If any Rupees, not specified in the table, should be tendered, one hundred Sicca weight shall be assayed at the Furrokhabad Mint, and the payer shall receive credit for the value in Sicca standard deducting twelve Annas per cent for refining. 1803 R. 45 § 21.

21. Any native officer, refusing to take Rupees of sorts at the authorized valuation, shall, on proof in a Civil Court, be dismissed and condemned in costs and damages. 1803 R. 45. § 27.

22 Rupees of sorts are to be sent to the Mint for recoinage, and not again issued from the public Treasuries after the commencement of 1214; nor till then, except when indispensably necessary. 1803 45. § 28.

23. Standard coin, in wholes, halves or quarters, shall be delivered from the Mint without any charge for silver bullion and old or light silver coin of the prescribed standard. 1803 R. 45. § 29.

24. And twelve Annas per cent for refining shall be deducted, if under the prescribed standard. 1803 *R.* 45. § 30.

25. Individuals may have their bullion coined into wholes, halves or quarters, at their option. 1803 *R.* 45. § 32.

26. A written notification of the above terms, on which bullion and old coin may be converted into standard Rupees at the Mint, shall be fixed up in some conspicuous part of the Mint and of the Cucheries of the Judges and Collectors, under their respective signatures; and any change in the terms shall be similarly notified. 1803 *R.* 45. § 31.

27. All bullion, received at the Mint, shall be assayed in the order of its receipt, refined in the order of its being assayed, and coined on the order of its being refined; standard bullion shall be registered as refined on the day of its assay. 1803 *R.* 45. § 38.

28. Two registers are to be kept open, one of unassayed bullion specifying the quantity, date of receipt, and owner's name; and one of assayed bullion specifying the dates of assaying and refining, the owner's name, the produce, and the dates of granting and discharging the certificate for the produce. 1803 *R.* 45. § 39.

29. English copies of such registers shall be sent on the 5th of every month to the Mint Committee. 1803 *R.* 45 § 40.

30. The operation of the Mint at Barellee is discontinued, except for the coinage of any remaining bullion, the owners of which have the option either to withdraw it or have it converted into Barellee Rupees. 1803 *R.* 45. § 41. *C.* 1.

31. The coinage of the present Furrokhabad Rupees is to cease as soon as the Mint-master shall be prepared to commence the new coinage, of which public notification shall be fixed up under the Mint-master's signature in some conspicuous part of the Mint and of the Cucheries of the several Judges and Collectors: all bullion, remaining in the Mint, may be either withdrawn or converted into Furrokhabad Rupees or the coin now ordered, at the option of the owners. 1803 *R.* 45. § 41. *C.* 2.

32. Gold Mohurs shall not be a legal tender of payment; but shall continue to circulate agreeably to the usage of the country at the value which individuals receiving and paying them shall determine. 1803 *R.* 45. § 42.

33. A copper coin of the 45th Sun, of pure copper weighing 284½ grains troy, shall be established. 1803 *R.* 45. § 43.

34. Of the same form, size and impression with the 45th Sun Sicca Rupee, except that the edges shall not be milled. 1803 *R.* 45. § 44.

35.

A. D. 1803 35. Whole and half copper coins will be ſtruck at the Furrokhabad Mint. 1803 R. 45. § 45.

36. Individuals may ſend pure copper, or old coin of pure copper, to the Mint for coinage. R. 1803 45. § 46.

37. And may have their copper coined into wholes or halves, at their option. 1803 R. 45. § 47.

38. A number of whole or half coins will be returned equal to the weight of the copper received; and none but pure copper will be received. 1803 R. 45. § 48.

39. The fractional part of a Rupee ſhall be received in copper coin at the public ſuries, and in private tranſactions, at the current rate of the Bazar. 1803 R. 45. § 49.

40. All perſons convicted in a Civil Court of refuſing to receive payment of the fractional part of a Rupee in copper coin, ſhall be condemned in coſts and damages; and, if officers of Government, ſhall be liable to diſmiſſion from office. 1803 R. 45. § 50.

41. Sections 11, 13, 14 and 31 of this Regulation are declared applicable to the copper coinage. 1803 R. 45. § 51. C. 1.

42. A regiſter ſhall be kept open ſpecifying the quantity of copper, owner's name, produce, and dates of granting and diſcharging the certificate for the produce; and an Engliſh copy of ſuch regiſter ſhall be ſent on the 5th of every month to the Mint Committee. 1803 R. 45. § 51. C. 2.

A. D. 1805 43. Regulation 45 of 1803 is extended to the Provinces ceded by Dowlut Row Sindia and to Bundelkhund. 1805 R. 11. § 2.

44. The operation of all Mints within thoſe Provinces ſhall be diſcontinued except for the coinage of any remaining bullion, the owners of which have the option either to withdraw it or to have it converted into the coin hitherto ſtruck in thoſe Mints. 1805 R. 11. § 3.

45. The native officers of the Mint at Furrokhabad ſhall be nominated by the Mint and Aſſay Maſter ſubject [illegible] confirmation of the Mint Committee there, or of the Governor General in Co[illegible], according as they may come within the deſcription of officers in Regulation 5 of 1804; and all references, regarding officers receiving a monthly ſalary of ten Rupees and upwards, ſhall be made to the Committee who ſhall act therein as the other intermediate authorities are directed by that Regulation. 1805 R. 11. § 4. C. 1.

46.

45. The Mint Committee may direct the suspension or dismission of any native officer of the Mint, reporting it to the Governor General in Council. 1805 *R.* 11. § 4. *C.* 2. A. D. 1806

47. A specific weight and standard is prescribed for the Lucnow 45 Sun Sicca Rupee to be struck at the Furrokhabad Mint. 1806 *R.* 3. § 2.

48. And a specific weight for the copper coin. 1806 *R.* 3. § 3.

49. Copper coins are to be struck only on account of Government, and in such quantities and at such times as the Governor General in Council, on report of the Mint Committee, shall direct. 1806 *R.* 3. § 3.

50. They are to be issued at the rate of twenty-six for a Rupee. 1806 *R.* 3. § 4.

51. The following table of rates is prescribed for the Ceded and Conquered Provinces. 1806 *R.* 3. § 5.

SORTS OF RUPEES.	Lucnow Sicca Weight.	Lucnow Sicca Rupees.
Siccas of Lucnow, troy weight grains 173, fine silver, grains 165–22,	100	100 0 0
Calcutta, Moorshedabad, Patna, and Dacca nineteen Sun Sicca Rupees,	ditto.	102 9 9
Furrokhabad Rupees,	ditto.	97 10 3
Bareilee Rupees,	ditto.	97 6 0
Nujeebabad Rupees,	ditto.	96 5 3
Lucnow Rupees, coined at Allahabad,	ditto.	96 13 8
Old eighteen Sun Lucnow,	ditto.	95 8 9
Viziry Rupees,	ditto.	89 4 2
Benares Rupees,	ditto.	101 0 8
Corah twelve Suns,	ditto.	91 9 11
Corah twenty Suns,	ditto.	91 1 6
Corah Sonwats,	ditto.	92 14 10
Furrokhabad thirty-one and thirty-nine Suns,	ditto.	97 6 0
Etawah Rupees,	ditto.	95 4 6
Suharunpoor old Rupees,	ditto.	96 9 6
Suharunpoor new Rupees,	ditto.	96 13 8
Paniput Rupees,	ditto.	95 12 11
Samlee Rupees,	ditto.	94 12 2
Kerhana Rupees,	ditto.	96 5 3
Lundowrah Rupees,	ditto.	95 12 11
Thana Rupees,	ditto.	94 12 2

A. D. 1806	Rekaby Rupees,	ditto.	91	1	6
	Surdanah Rupees,	ditto.	96	5	3
	Delhi Siccas,	ditto.	101	0	8
	Delhi thirty-eight Suns,	ditto.	96	9	6
	Bhurutpoor Rupees,	ditto.	100	12	6
	Kotah Rupees,	ditto.	95	8	8
	Ghutfun twenty-nine Suns,	ditto.	99	7	6
	Muhamedfhahee nineteen Suns,	ditto.	101	0	8
	Gocool forty-fix Suns,	ditto.	96	13	8
	Jeend Rupees,	ditto.	84	13	0
	Siccas of Lucnow,	ditto.	100	0	0
	Gourfhahee feven Suns,	ditto.	95	4	6
	——— eight Suns,	ditto.	95	12	11
	——— nine Suns,	ditto.	93	3	0
	——— ten Suns,	ditto.	93	3	0
	——— eleven Suns,	ditto.	92	6	5
	——— twelve Suns,	ditto.	91	5	8
	Siringury Rupees,	ditto.	93	7	2
	Tambofhahee Rupees,	ditto.	91	9	11
	Balafhahee Rupees, coined at Calpee,	ditto.	93	11	5
	Hatras Rupees,	ditto.	99	7	6
	Bendrabunfee Rupees,	ditto.	87	6	10
	Generallee ftruck by Perron,	ditto.	90	9	2
	Deeg Rupees,	ditto.	91	9	11
	Gourfhahee Rupees,	ditto.	98	11	0
	Bombay Rupees,	ditto.	96	5	3
	Old Arcots Moorfhedabad and Calcutta,	ditto.	97	10	3
	French Arcots,	ditto.	99	7	6
	Madras Arcots,	ditto.	98	11	0

MOLUNGEES.

A. D. 1793

1. No perfon fhall be compelled to engage in the provifion of falt; and all perfons engaged may relinquifh the employment after completing their engagements. *Beng.* 1793 *R.* 29. § 3.

2. Compulfory engagements fhall be cancelled by the Civil Courts on proof of the compulfion; and damages fhall be awarded againft the Agent if guilty, who may alfo be difmiffed from his office by Government. *Beng.* 1793 *R.* 29. § 4.

3. Assistants and head officers of Arungs, proved guilty of compulsion before the Agent or before a Court of Justice, shall be dismissed and cast in damages. *Beng.* 1793 *R.* 29. § 5. *C.* 1.

4. And shall be held responsible for their subordinate officers, unless the compulsion be without their knowledge. *Beng.* 1793 *R.* 29. § 5. *C.* 2.

5. Also Byoparies and contractors, &c. on conviction before the Court or before the Agent, or his Assistant or head officer empowered to redress complaints. *Beng.* 1793 *R.* 29. § 6.

6. Subordinate officers, under an Assistant or head officer, using compulsion without the knowledge of the superior, shall be similarly punished. *Beng.* 1793 *R.* 29. § 5. *C.* 2.

7. Contracts for salt shall be in writing with security, where practicable. *Beng.* 1793 *R.* 29. § 7.

8. Advances shall be paid in money counted to the contractor. *Beng.* 1793 *R.* 29. § 8.

9. Labourers shall be obtained without the use of Peons, &c. whether by the contractors or the Agent. *Beng.* 1793 *R.* 29. § 9.

10. And shall not be considered engaged till they have received their advances in money. *Beng.* 1793 *R.* 29. § 10.

11. But shall not be released from their engagements by the Courts or Agent, except on satisfactory proof of compulsion; nor, if they have given receipts for advances, shall they be prevented going to, or be brought away from, the place of manufacture, until the Court shall decide that the engagement was compulsory. *Beng* 1793 *R.* 29. § 11.

12. Agents, where practicable, shall make the contracts with the actual manufacturers. *Beng.* 1793 *R.* 29. § 13.

13. Overseers, &c. receiving perquisites from Molungees, shall on conviction be dismissed and adjudged to pay four times the amount. *Beng.* 1793 *R.* 29. § 12.

14. Agents shall depute persons to inquire into and report on complaints, which the Agents shall redress. *Beng.* 1793 *R.* 29. § 14.

15. Molungees, who rent land, are to pay their rents like other Rayats. *Beng.* 1793 *R.* 29. § 18.

16. But from Katic to Asarh they are not to be summoned by the landholders, &c.; who must apply to the Agent, and, on his not affording satisfaction for the claim, may

either

A. D. 1793 either diſtrain or ſue in the Adaulut: if the Agent think proper he may ſatisfy the demand and ſtop it out of the future advances. *Beng.* 1793 *R.* 29. § 19. *C.* 2.

17. When the property of Molungees is diſtrained for rent, the diſtrainer ſhall in three days ſend notice to the Salt Agent or neareſt Salt Chokee, that the Agent may ſatisfy the demand or cauſe proper ſteps to be taken. *Beng* 1793 *R.* 17. § 31.

18. The ſalt advances and implements ſhall not be diſtrained. *Beng.* 1793 *R.* 29. § 19. *C.* 2.

19. Perſons ſuing Molungees in a Civil Court ſhall ſpecify their being ſuch; and the Courts ſhall ſend the ſummons to be ſerved through the Agent, who ſhall order ſecurity to be given for the defendant or deliver him to the Peon. *Beng.* 1793 *R.* 29. § 20. *C.* 1.

20. Returning on the ſummons the mode of its execution. *Beng.* 1793 *R.* 29. § 20. *C.* 5.

21. If, from want of ſuch ſpecification, a ſummons be ſent through a Peon, he ſhall, on diſcovering the defendant to be a Molungee, carry the ſummons, and if he doubt the information the defendant alſo, to the neareſt ſalt officer for ſecurity. *Beng.* 1793 *R.* 29. § 20. *C.* 3.

22. Salt Agents ſhall authorize their Aſſiſtants, head officers and a Vakeel at each Court, to execute ſuch ſecurities; and ſhall tranſmit a liſt of them to the Judge. *Beng.* 1793 *R.* 29. § 20. *C.* 2.

23. Similar rules are to be obſerved by the Magiſtrates on complaints for bailable offences. *Beng.* 1793 *R.* 29. § 20. *C.* 4.

24. And by Judges when Molungees are required as witneſſes. *Beng.* 1793 *R.* 29. § 20. *C.* 9.

25. But Magiſtrates, in the caſe of an offence not bailable, may order the warrant to be executed in the uſual mode. *Beng.* 1793 *R.* 29. § 20. *C.* 6.

26. And Judges and Magiſtrates, in any caſe where it ſhall appear indiſpenſable, may apprehend and ſummon Molungees in the uſual manner, recording the reaſons for the deviation. *Beng.* 1793 *R.* 29. § 20. *C.* 10.

27. Police Daroghas are to obſerve the rules of Clauſes 4 and 6, in charges againſt Molungees. *Beng.* 1793 *R.* 29. § 20. *C.* 7.

28. Salt Agents ſhall be anſwerable for the conditions of the ſecurity, if the party or ſurety fail. *Beng.* 1793 *R.* 29. § 20. *C.* 8.

29. And are liable to be sued in the Civil Courts, if they apply these rules to persons not bonâ fide employed in the salt department. *Beng.* 1793 *R.* 29. § 20. *C.* 10. A. D.

30. Decrees against persons engaged in the salt manufacture may be executed on their property, but not on their persons, except from Sawun to Asin: the salt, implements and advances are not liable for the decree. *Beng.* 1793 *R.* 29. § 21.

31. Salt Agents, their Assistants, and native officers, may be sued in the Civil Court for any breach of the Regulation under the following modifications. *Beng.* 1793 *R.* 29. § 22. *C.* 1.

32. From Katic to Asarh, Molungees aggrieved by the Agent must apply first to him; and, on his not giving redress, may sue in the Court. *Beng.* 1793 *R.* 29. § 22. *C.* 2.

33. Persons, aggrieved by an Assistant, or head officer of a Kotee, shall first apply to the Agent; or first to the Assistant or officer and afterwards to the Agent; and, if not redressed, may ultimately apply to the Court. *Beng.* 1793 *R.* 29. § 22. *C.* 3.

34. Persons, aggrieved by a subordinate native officer, shall apply for redress first to the Agent; or first to the Assistant or the head officer and afterwards to the Agent: and, on the Agent not giving them ultimate redress, they may apply to the Court. *Beng.* 1793 *R.* 29. § 22. *C.* 4.

35. Before the suit be entertained, satisfactory proof shall be required of the previous application to the Agent. *Beng.* 1793 *R.* 29. § 22. *C.* 5.

36. But Molungees shall not go away, for the purpose of complaining, without leave of the Agent, or his Assistant, or head officer. *Beng.* 1793 *R.* 29. § 22. *C.* 6.

37. The Agents may defend suits against their Assistants and officers; but are in such case answerable for the decree. *Beng.* 1793 *R.* 29. § 22. *C.* 9.

38. From Sawun to Asin, Molungees may carry their complaints originally to the Civil Court, or may apply to the Agent: the Courts shall try all complaints of Molungees before other suits. *Beng.* 1793 *R.* 29. § 22. *C.* 10.

39. Salt Agents may set aside, or alter, the awards given by their Assistants and head officers, on complaints of Molungees. *Beng.* 1793 *R.* 29. § 22. *C.* 7.

40. And the awards of Agents, Assistants &c. may be appealed to the Civil Court, if the appeal be preferred before the next season, or good cause be shown for the neglect. *Beng.* 1793 *R.* 29. § 22. *C.* 8.

A. D. 1799 41. The notice required by Section 31, Regulation 17 of 1793, of distress for rent on the property of salt workers &c. shall be given as soon as possible after the attachment; and the property shall not be sold till sufficient time have been allowed for the Company's officers to satisfy the demand: the notice may be given either to the Agent, or at the Arung to which the defaulter belongs. *Beng.* 1799 *R.* 7. § 4.

A. D. 1801 42. Persons, buying salt from Molungees, are to forfeit five Rupees per Maund besides confiscation. *Beng.* 1801 *R.* 6. § 29.

43. And salt officers, thus offending, are further to be imprisoned not more than twelve months. *Beng.* 1801 *R.* 6. § 30.

44. The summary process of Section 15, Regulation 7 of 1799, for the recovery of rents, shall not be applied to salt workers from the beginning of Katic to the end of Asarh; and landholders must proceed against them by distress, or by Sections 19, 20 and 21, Regulation 29 of 1793. *Beng.* 1801 *R.* 9. § 2.

45. Warrants of Magistrates for resistance of process are to be served on salt workers, in the manufacturing season, in the mode directed by Clause 4, Section 20, Regulation 29 of 1793. *Beng.* 1801 *R.* 9. § 4.

A. D. 1806 46. The notice to defendants, prescribed by this Regulation, shall be served on Molungees &c in the mode prescribed by Regulation 29 of 1793. *Beng.* 1806 *R.* 2. § 2. *C.* 4.

MONEY OBLIGATIONS AND ACKNOWLEDGMENTS.

A. D. 1793 1. The Civil Courts are not to decree payment of a bond, executed after 28th March 1780, without satisfactory proof of execution before two credible witnesses, or of payment of some valuable consideration for it; but this restriction does not extend to bills of exchange, notes of hands, and receipts, in regard to which the custom of the country shall be abided by. *Beng.* 1793 *R.* 3. § 15. *Ben.* (after 1st July 1795,) 1795 *R.* 7. § 9. *Ced. Prov.* (after the promulgation of this Regulation,) 1805 *R.* 8. § 6. *C.* 3.

2. The Courts are not to decree any interest on bonds or other instruments executed on or after 28th March 1780, which specify a higher interest than as follows. *Beng.* 1793 *R.* 15. § 8.

3. If the cause of action arose previous to 1st January 1793, at the following rates. *Beng.* 1793 *R.* 15. § 3. *C.* 1.

4. Two per cent per mensem on sums not exceeding 100 Rupees. *Beng.* 1793 *R* 15. § 3. *C.* 2.

5. And one per cent on larger sums. *Beng.* 1793 *R.* 15. § 3. *C.* 3. A. D. 179[illegible]

6. If the cause of action arose subsequent to 1st January 1793, one per cent on all sums. *Beng.* 1793 *R.* 15. § 4.

7. And shall dismiss the suit with costs, on proof of any attempt to elude the rules concerning interest. *Beng.* 1793 *R.* 15. § 9. *Ced. Prov.* 1803 *R.* 34. § 8.

8. Interest may be allowed as follows, if the cause of action arose before 28th March 1780. *Beng.* 1793 *R.* 15. § 2. *C.* 1.

9. Three Rupees and two Annas per cent per mensem on sums not exceeding 100 Rupees. *Beng.* 1793 *R.* 15. § 2. *C.* 2.

10. And two per cent on larger sums. *Beng.* 1793 *R.* 15. § 2. *C.* 3.

11. If a lower rate shall have been stipulated, such lower rate shall be awarded, *Beng.* 1793 *R.* 15. § 5. *Ced. Prov.* 1803 *R.* 34. § 4.

12. Courts are not to decree a greater sum for interest than the amount of the principal. *Beng.* 1793 *R.* 15. § 6. *Ced. Prov.* 1803 *R.* 34. § 5.

13. Nor any compound interest except when the former bond has been cancelled on an adjustment of accounts, and a new bond taken for principal and legal interest consolidated into principal. *Beng.* 1793 *R.* 15. § 7. *Ced. Prov.* 1803 *R.* 34. § 6.

14. Those rules are not to extend to respondentia bonds, nor policies of insurance, which are to be regulated by the terms of the deeds and the prevailing usages. *Beng.* 1793 *R.* 25. § 12. *Ced. Prov.* 1803 *R.* 34. § 11.

15. After 30th April 1794, any bond, or other writing, or any written or verbal agreement, by which any sum of money may be stipulated to be paid in any species of Rupees other than the Calcutta Sicca Rupee and gold Mohur of the 19th Sun, or their fractional parts, shall not be recoverable in the Civil Courts. *Beng.* 1793 *R.* 35. § 20. *Cuttack* (after the year 1213) 1805 *R.* 12. § 15. Postponed 1794 R. 6 § 2 1795 R. 59 § 2 1799 R. 3 § 2 1803 R. 54 § 2

16. Also engagements between landholders, farmers, tenants &c. *Beng.* 1793 *R.* 53. § 21. *Cuttack* (after the year 1213) 1805 *R.* 12. § 16.

17. Until that date, writings, &c. may be paid either in the specie stipulated or in Siccas at the specified valuation. *Beng.* 1793 *R.* 35. § 19. *Cuttack* (till the end of the year 1213,) 1805 *R.* 12. § 14.

18. The operation of the above rules is postponed till 10th April 1795. *Beng.* 1794 *R.* 6. § 2. A. D. 1794

A. D. 1795 19. Again postponed till 10th April 1796. *Beng.* 1795 *R.* 59. § 2.

20. The restriction, regarding the proof required for bonds, does not extend in Benares to dealings among Mehajens and Sherafs; but they shall be decided according to the custom of the country and the usages prevailing among themselves. *Ben.* 1795 *R.* 7. § 9.

A. D. 1797 Modified 1800 R. 7 § 8 21. After 31st December 1797, all bonds, notes, and other written obligations, except bills of exchange, for the payment of a sum of money exceeding fifty Rupees exclusive of interest, shall be written on stampt paper, paying a duty of four Annas as far as 100 Rupees, eight Annas as far as 1000 Rupees, one Rupee if above. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 1.

ditto § 6 C 2 22. And, if unstampt, shall not be received in evidence until payment of a penalty of ten times the duty. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 3.

ditto § 6 & 7 23. But penalties may be mitigated to not less than twice the duty. *Beng. Ben.* 1797 *R.* 6. § 23. *C.* 3.

A. D. 1799 24. The operation of Section 20, Regulation 35 of 1793, is postponed in Zilla Silhet till 10th April 1798. *Beng.* 1799 *R.* 3. § 2.

A. D. 1800 25. After 30th September 1800, all bonds, notes, drafts, bills of exchange, and other obligations for the payment of money, exceeding sixteen Rupees exclusive of interest, except for money payable by or to Government, and for the rent of Malguzarce land, shall be written on stampt paper, paying a duty of two Annas on 64 Rupees, four Annas on 125 Rupees, eight Annas on 250 Rupees, one Rupee on 500 Rupees, two Rupees on 1000 Rupees, four Rupees on 2000 Rupees, eight Rupees on sums above 2000 Rupees. *Beng Ben.* 1800 *R.* 7. § 3. *C.* 1.

26. And all acknowledgments for the receipt of money exceeding sixteen Rupees, except for money paid by or to Government and for the rent of Malguzaree land, shall be written on stampt paper of the same kind. *Beng. Ben.* 1800 *R.* 7. § 4. *C.* 1.

27. And shall not be received in evidence until stampt. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 1.

28. If an unstampt document be produced to the Collector within sixty days from its execution with a penalty of five times the duty, the Collector shall send it to the Superintendent of the stamp office to be stampt. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 2.

29. Also if produced after sixty days with ten times the duty. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 3.

30. But in case of evident ignorance, the Board of Revenue, on report of the Collector, may remit the penalty. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 4. A. D. 1800.

31. Persons, executing or causing to be executed an unstampt document not subsequently produced as above for stamping, shall on discovery of the fraud be fined ten times the duty in addition to the penalty payable by the holder of the document; but the Court may remit the penalty on evident ignorance. *Beng. Ben.* 1800 *R.* 7. § 7.

32. Any evasion by executing two or more obligations for portions of a sum total, so as to bring the total within the exemption of small sums, shall be similarly punished. *Beng. Ben.* 1800 *R.* 7. § 8.

33. The party, bound to execute the obligation, shall furnish the paper. *Beng. Ben.* 1800 *R.* 7. § 9.

34. The operation of Section 20, Regulation 35 of 1793, is postponed in Zilla Chittagong till 16th August 1803. *Beng.* 1803 *R.* 54 § 2. A. D. 1803.

35. After the commencement of the year 1216, any bond, or other writing, or any agreement written or verbal, entered into in the Ceded Provinces, by which any sum of money shall be stipulated to be paid in any specie excepting the Lucnow 45th Sun Sicca Rupee coined at Furrokhabad, or its fractional parts, shall not be recoverable in the Civil Courts. *Ced. Prov.* 1803 *R.* 45. § 25.

36. Also engagements between landholders, farmers, tenants, &c. *Ced. Prov.* 1803 *R.* 45. § 26.

37. Until that date, writings, &c. may be paid either in the specie stipulated or in Siccas at the specified valuation. *Ced. Prov.* 1803 *R.* 45. § 24.

38. The Courts in the Ceded Provinces are not to decree any interest on bonds and other instruments executed on or after 1st January 1804, which specify a higher interest than twelve per cent per annum. *Ced. Prov.* 1803 *R.* 34. § 7.

39. Nor interest above the rate of twelve per cent per annum, if the cause of action arose on or after 10th November 1801. *Ced. Prov.* 1803 *R.* 34 § 3.

40. But if the cause of action arose before 10th November 1801, interest may be allowed at the following rates. *Ced. Prov.* 1803 *R.* 34. § 2. *C.* 1.

41. Thirty per cent per annum, on sums not exceeding 100 Rupees. *Ced. Prov.* 1803 *R.* 34. § 2. *C.* 2.

42. Twenty four per cent on larger sums. *Ced. Prov.* 1803 *R.* 34. § 2. *C.* 3.

A. D. 1805 43. The provisions regarding the use of stamp paper for money obligations are not to be in force in Cuttack till the expiration of two years from the date of this Regulation. *Beng.* 1805 *R.* 12. § 12.

44. The following rules are prescribed in Cuttack, respecting the payment of interest. *Beng.* 1805 *R.* 14. § 9. *C.* 1.

45. If the cause of action arose before 14th October 1803, no higher or lower rate shall be allowed than thirty per cent on sums not exceeding 100 Rupees, and twenty four per cent on larger sums, unless a lower rate shall have been stipulated. *Beng.* 1805 *R.* 14 § 9. *C* 2.

46. If the cause of action arose on or after 14th October 1803, no higher rate than twelve per cent shall be allowed on all sums. *Beng.* 1805 *R.* 14. § 9. *C.* 3.

47. But no interest is to be allowed, if the instrument, executed on or after 14th October 1803, specify a higher rate of interest than twelve per cent. *Beng.* 1805 *R.* 14. § 9. *C.* 4.

48. And the suit shall be dismissed with costs on proof of any attempt to elude the rules prescribed concerning interest. *Beng.* 1805 *R.* 14. § 9. *C.* 5.

49. Regulation 34 of 1803 is extended to the Conquered Provinces and Bundelkhund. *Ben. Ced. Prov.* 1805 *R.* 8. § 23. *C.* 1.

50. The 30th December 1803, in the Conquered Provinces, and 16th December 1803 in Bundelkhund, are substituted for the date in Sections 2, 3 and 9, Regulation 34 of 1803; and the 1st January 1806, for the date in Sections 7 and 8, of that Regulation. *Ben. Ced. Prov.* 1805 *R.* 8. § 23. *C.* 2.

A. D. 1806 51. The several provisions of Regulation 15 of 1793, are extended to the province of Benares from the commencement of the year 1807, subject to the following modifications. *Ben.* 1806 *R* 17. § 2.

52. If the cause of action shall have arisen before the year 1807, the Courts are to decree whatever rate of interest may have been voluntarily stipulated, or interest according to the law and usage of the province, if no specific rate shall have been stipulated. *Ben.* 1806 *R.* 17. § 3.

53. If the cause of action shall have arisen after the beginning of the year 1807, the Courts shall not decree interest above the rate of one per cent per mensem. *Ben.* 1806 *R.* 17. § 4.

54. The forfeiture of interest under Section 8. Regulation [illegible] of 1793, and the forfeiture of principal and interest under Section 9. of the same Regulation, shall not be considered applicable in Benares to loans bonâ fide contracted, and to instruments voluntarily entered into, before the beginning of the year 1807. *Ben.* 1806 *R.* 17. § 5. A. D. [illegible]

MORTGAGES.

1. Loans on the credit of land are valid since 29th October 1790, without the previous sanction of the Board of Revenue. *Beng.* 1793 *R.* 8. § 67. *C.* 2. A. D. 1793

2. The mortgagee in possession shall make the settlement with Government for the estate mortgaged; and the mortgagee not in possession shall be allowed to succeed to the settlement on possession being adjudged to him. *Beng.* 1793 *R.* 8. § 28.

3. Mortgagees, in actual possession of Malikana lands mortgaged, shall retain possession, if the grant be valid under which the Malikana land is held separate from the estate: such grants only are valid as have been made or confirmed by the supreme authority for the time being. *Beng.* 1793 *R.* 8. § 38.

4. The mortgagee is to have the usufruct in lieu of interest till 28th March 1780, if so stipulated; and after that date, the same interest which is allowed on other dealings: mortgages are to be deemed cancelled when the principal with simple interest shall have been realized from the produce subsequent to 28th March 1780. *Beng.* 1793 *R.* 15. § 10. *Ced. Prov.* (subsequent to 10th November 1801) 1803 *R.* 34. § 9. *Cuttack* (subsequent to 14th October 1803) 1805 *R.* 14. § 9. *C.* 6. *Ben.* (subsequent to 1st January 1807) 1806 *R.* 17. § 6.

5. For the adjustment of mortgages, the mortgagee shall deliver on oath an account of his receipts and expenditure, which the Court shall check upon the objections of the mortgager, and the evidence adduced by either party. *Beng.* 1793 *R.* 15. § 11. *Ced. Prov.* 1803 *R.* 34. § 10. ext. *Ben.* 1806 *R.* 17. § 2.

6. Life tenures in rent-free lands shall not be mortgaged beyond the life of the grantee. *Beng.* 1793 *R.* 19. § 2. *C.* 5. *R.* 37. § 2. *C.* 5. *Ben.* 1795 *R.* 41. § 2. *C.* 5. *R.* 42. § 2 *C.* 6. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 6. *R.* 36. § 2. *C.* 6. *Cuttack* 1805 *R.* 12. § 18. *C.* 6. & § 22. *C.* 6.

7. Europeans, holding mortgages, shall not have possession of the land, nor be concerned in the collection of the rents. *Beng.* 1793 *R.* 38. § 4. *Ben.* 1795 *R.* 48. § 4. *Ced. Prov.* 1803 *R* 19 § 4.

8. The Jageers of invalided Sepoys are not to be assigned as [illegible] for money borrowed by them, and are not answerable for their debts after their death; but will become Re-enacted 1804 *R.* 1 § 10

A. D. 1793 [illegible] after descending to, liable for the debts of the heirs. *Beng.* 1793 *R.* 43. § 27.

9. Deeds of mortgage of real property, and certificates of the discharge of such incumbrances, shall be registered in the office of the register to the Zilla Court. *Beng.* 1793 *R.* 36. § 3. *C.* 2. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 3.

10. The omission of registering such deeds executed previous to the operation of this Regulation shall not affect the rights of the parties. *Beng.* 1793 *R.* 36. § 4. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 4.

11. But a mortgage, executed after 1st January 1796, shall, if duly registered, and provided its authenticity be proved, supersede any other mortgage for the same property, also subsequent to the above date, and unregistered, whether executed prior or subsequent to the registered deed. *Beng.* 1793 *R.* 36. § 6. *C.* 2. ext *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* (after 24th March 1806) 1803 *R.* 17. § 6. *C.* 2.

12. Unless the person, taking and registering a mortgage, knew of the existence of the prior mortgage, and of its not being registered. *Beng.* 1793 *R.* 36. § 6. *C.* 3. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prev.* 1803 *R.* 17. § 6. *C.* 3.

A. D. 1795 13. Mortgages in Benares are excepted from the general rules for the limitation of actions; and the period for rendering them unactionable is to be determined by the law of the defendant's religion. *Ben.* 1795 *R.* 7. § 8.

A. D. 1797 modified 1798 *R.* 7 § 5 14. Deeds of mortgage, and copies of such deeds, prepared and attested by a Cazee after 31st December 1797, are to be written on stampt paper from two Annas to one Rupee. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 1.

Ditto § 6 *C.* 6 15. And, if unstamped, shall not be received in evidence till payment of ten times the duty. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 6.

Ditto § 6 & 7 16. But penalties may be mitigated to not less than twice the duty. *Beng. Ben.* 1797 *R.* 6. § 23. *C.* 3.

A. D. 1798 17. In mortgages with a conditional sale called Byebilwuffa or Kutkabala, the borrower, if desirous to redeem his land, may either tender the money to the lender, or pay it into Court, and serve a written notice of such deposite to be served on the lender: if the lender surrender the [illegible] or show [illegible] cause for not surrendering them, the Court shall pay [illegible] receipt. *Beng. Ben.* 1798 *R.* 1. § 2. *Ced. Prov.* 1803 *R.* [illegible]

18. A Tag [illegible] shall not be [illegible] admitted by the lender furnishing the [illegible] or acknowledging the receipt of the money lent. *Beng. Ben.* 1798 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 34. § 14.

19. When the lender has not had possession of the land, the deposit [illegible] sum lent and legal interest thereon; when the lender has had possession, the [illegible] to be the principal sum only; and the borrower, making such deposit, [illegible] immediate recovery of possession: if the borrower deposite a less sum, and [illegible] more is due, and such less sum is admitted by the lender or established on investigation to be the whole amount due, the right of redemption shall be preferred to the borrower; but he will not be entitled to possession till the adequacy of the deposite be admitted or established. *Beng. Ben.* 1798 *R.* 1. § 2. *Ced. Prov.* 1803 *R.* 34. § 12.

20. When the lender has had possession, and an adjustment of accounts becomes necessary, he shall account to the borrower for the proceeds on the principles of Regulation 15 of 1793, except Section 10, which is declared not to apply to those conditional sales. *Beng. Ben.* 1798 *R.* 1. § 3. *Ced. Prov.* 1803 *R.* 34. § 13.

21. This Regulation is not to be construed to alter the terms of contract lettled between the parties (illegal interest excepted): any question of right between them is to be regularly brought before, and determined by, the Court. *Beng. Ben.* 1798 *R.* 1. § 5. *Ced. Prov.* 1803 *R* 34. § 15.

22. Mortgages of property adjudged to one party but left in possession of the other party during his appeal, are null or void, in the event of the judgment in the appeal being against the party making the mortgage. *Beng. Ben.* 1798 *R.* 5. § 4. *Ced. Prov.* 1803 *R.* 4. § 14. *C.* 1.

23. And the same principle is applicable to cases where possession may have been given to the party to whom the property was adjudged in the first instance. *Beng. Ben.* 1798 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 4. § 14. *C.* 2.

24. No mortgage, nor other assignment, of land sold in discharge of arrears of revenue, shall be admitted to bar the prior right of Government to hold the land answerable for the assessment. *Beng.* 1799 *R.* 7. § 29. *C.* 5. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 11. A. D. 1799

25. Nor a mortgage of the crop, to bar the claim of rent for the land on which the crop grew. *Beng.* 1799 *R.* 7. § 9. *Ben.* 1800 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 28. § 17. *C.* 2.

A. D. 1800 26. Mortgages, assignments, or releases, executed after 30th September 1800, and copies thereof prepared as legal vouchers by a Cazee, Muftee or other person, shall be on stampt paper from four Annas to two Rupees. *Beng. Ben.* 1800 *R.* 7. § 5. *C.* 1.

27. And, if unstampt, shall not be received in evidence till stampt. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 1.

28. Unstampt deeds, produced within sixty days with five times the duty, shall be sent to the stamp office for stamping. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 2.

29. And if produced after sixty days, with ten times the duty. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 3.

30. But the Revenue Board may remit the penalty on evident ignorance. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 4.

31. Persons, executing or causing to be executed deeds on unstampt paper, shall also pay a fine of ten times the duty; but the Court may remit the penalty. *Beng. Ben.* 1800 *R.* 7. § 7.

A. D. 1804 32. The Jageers of invalided Sepoys are not to be assigned as security for money borrowed by them, and are not answerable for their debts after their death; but will become liable, after descending to heirs, for the debts of the heirs. *Beng.* 1804 *R.* 1. § 16.

A. D. 1805 33. No length of time shall be considered a bar to the cognizance of a suit for the recovery of property in cases of mortgage or deposite, and held by the party in possession as mortgagee or depositary only. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 3. *C.* 4.

34. The provisions, regarding the use of stampt paper for mortgage deeds, is not to be in force in Cuttack till the expiration of two years from the date of this Regulation. *Beng.* 1805 *R.* 12. § 12.

A. D. 1806 35. The rules of Section 10, Regulation 15 of 1793, for the redemption of the mortgaged property when the principal and simple interest shall have been realized from the usufruct, shall not be applied to any subsisting engagement voluntarily contracted before the beginning of the year 1807. *Ben.* 1806 *R.* 17. § 6.

36. In cases of sale by Byebil wuffa or Kutkabala, and any similar mortgage by conditional sale, if the mortgagee have possession of the land, the payment or tender of the sum lent, or of the balance due if any part of the principal shall have been discharged, (and if the mortgagee have not possession, the payment or tender of the sum lent with any interest

terest due [illegible] within one year after the application of the mortgagee to the Court for foreclosing of the mortgage, shall entitle the mortgager to the redemption of his property; provided such payment or tender to the mortgagee or his legal representative be clearly proved, or the amount due be deposited in the Court of the Zilla or City where the property is situated. *Beng. Ben. Ced. Prov.* 1806 *R.* 17 § 7. A. D. [illegible]

37. When the mortgagee is desirous of foreclosing such a mortgage, and rendering the sale conclusive after the expiration of the stipulated period; he shall, after demanding payment from the mortgager or his representative, apply by written petition to the Judge of the Zilla or City in which the mortgaged property is situated, and the Judge shall immediately cause the mortgager or his representative to be served with a copy of it, and a notice under his official seal and signature, that, if he do not redeem the property within one year from the date of the notification, the conditional sale will become conclusive. *Beng. Ben. Ced. Prov.* 1806 *R.* 17. § 8.

MOUNTAINEERS.

I. *OF BHAUGULPOOR.*

Special rules inserted under the head of *Court of the Magistrate.* Vide vol. 1. p. 691.

II. *OF SILHET.*

1. The trade on the frontier of Silhet, with the Khasias and other mountaineers, is free to all persons, and to British Subjects having licenses. *Beng.* 1799 *R.* 1. § 2. A. D. 1799

2. The latter must make themselves amenable to the Court for suits by the mountaineers to any amount; and if they refuse to execute a bond to this effect, shall be reported to the Governor General in Council, who will order them to Calcutta. *Ibid* § 7.

3. No trade shall be carried on to the north west of the Surma river. *Ibid* § 3. *C* 1.

4. Nor in arms or military stores. *Ibid* § 3. *C.* 2.

5. Nor shall any armed men, except a necessary safe guard, be allowed to pass beyond the frontier. *Ibid.* § 3. *C.* 3.

6. All contraventions shall be punished by confiscation; Police officers shall search boats, carriages, &c. passing the frontier, and seize and send to the Magistrate all contraband goods, which the Magistrate, if satisfied by inquiry that they are liable, shall confiscate, and report to the Governor General in Council: the Magistrate shall also report the contraveners, who, if not natives of Silhet, whether Europeans, Greeks, Armenians, or others, may be sent to Calcutta at the pleasure of Government. *Ibid* § 4.

A. D. 1799 7. If the goods be confiscated, the Police officer, who seized them, shall have a reward of twenty-five per cent on the proceeds; and the informer, if there was an informer, a similar reward: if the Magistrate declare the goods not liable to confiscation, the officer and informer may be sued for damages by the proprietor. *Ibid* § 5.

8. Persons, aggrieved by an order of confiscation, shall apply for redress to Government in the mode prescribed by Section 11, Regulation 3 of 1793; and, if the suit be authorized by Government, it shall be tried in the Provincial Appeal Court of Dacca. *Ibid* § 6.

9. The Magistrate of Silhet is not to grant Perwannas to any traders in the frontier trade; and may give such instructions to the Police officers for preventing disagreements with the mountaineers, as may not be repugnant to this Regulation. *Ibid* § 8.

M U T I L A T I O N.

A. D. 1798 1. No criminal shall suffer the punishment of mutilation: if a prisoner be so sentenced by the Futwa of a law officer, the Court of Circuit shall commute the punishment into imprisonment of seven years for each limb. *Beng.* 1793 *R.* 9 § 51. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 21.

A. D. 1796 2. Sentences of mutilation by the assembly of hill chiefs in Bhaugulpoor shall be commuted to imprisonment of [illegible] years for each limb, or such shorter period as the Nizamut Adaulut [illegible] *Beng.* 1796 *R.* 1. § 13. *C.* 3.

A. D. 1803 3. S[illegible] for gang robbery, shall be commuted as [illegible] the Nizamut Adaulut, as circumstances may req[illegible] 3. § 3. *C.* 3.

4. In [illegible] or attempts to rob, when any person shall have been wounded, maimed, burnt, or otherwise personally injured, or a house burnt, or other aggravating act committed, imprisonment and transportation for life. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 2.

5. In robberies or attempts to rob, without personal injury, or other act of aggravation, imprisonment for fourteen years. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 3.

6. In the revision of the trials referred by the Magistrates in the Ceded Provinces, previous to 24th March 1803, the modification of the Muhamedan law, which directs the commutation of mutilation to imprisonment, shall be applied by the Court of Circuit. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 5.

7. And by the Nizamut Adaulut. *Ced. Prov.* 1803 *R.* 51. § 3. *C.* 2.

8. In sentences extending to life or limb, for crimes committed in Cuttack between 14th October 1803 and the promulgation of the Regulation, the Nizamut Adaulut, if satisfied of the prisoner's guilt, shall commute mutilation into imprisonment and hard labour for a term of years, or may recommend the prisoner to the Governor General in Council for mercy. *Beng.* 1804 *R.* 4. § 7.

9. And in sentences for crimes committed in the Conquered Provinces between the 30th December 1803, (in Bundelkhund 16th December 1803,) and the promulgation of this Regulation. *Ben. Ced. Prov.* 1804 *R.* 9. § 11.

10. The commutation of mutilation shall be applied to convictions for crimes committed in Chandernagore and Chinsura. *Beng.* 1803 *R.* 16. § 3. *C.* 3.

NATIVE OFFICERS IN THE EMPLOY OF GOVERNMENT.

I. *MODE OF APPOINTMENT.*

1. The Khezanchee of a Revenue Collector is to be nominated by the Collector and to give good security; but he shall not be deemed appointed till the Board of Revenue have approved of him and his surety; and he shall not be removed without proof of misconduct to the satisfaction of the Board. *Beng.* 1793 *R.* 2. § 11. *Ced. Prov.* 1803 *R.* 25. § 10. A. D. [illegible] Modified 1804 R. [illegible]

2. The Record-keepers under a Revenue Collector are to be appointed by the Governor General in Council, and not removed except on proof of misconduct to his satisfaction; but the office is not hereditary. *Beng.* 1793 *R.* 21. § 3. ext. *Ben.* 1795 *R.* 30. § 2. *Ced. Prov.* 1803 *R.* 23. § 3. ditto § 10

3. The native pleaders of the Courts are to be appointed by the Sudder Dewannee Adaulut. *Beng* 1793 *R.* 7. § 2. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 2.

4 And one or two pleaders at each Court, for the suits carried on by Government. *Beng.* 1793 *R.* 7. § 23. ext. *Ben.* 1795 *R.* 13. § 2. Modified 1797 R. [illegible]

5. No pleader is to be removed from office but for incapacity, misconduct, or profligacy proved to the satisfaction of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 7. § 22. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 21.

6. The pleaders are to be selected from among the students of the Calcutta and Benares Colleges; and if necessary, any persons, Hindoos or Muhamedans, of character and education, (giving a preference however to persons bred to the study of the law,) may be appointed. *Beng.* 1793 *R.* 7. § 5. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 33.

A. D. 1795 Regulation 19. § 11.

7. The Collectors are to appoint and remove native officers except the Khazanchee and Record-keepers, reporting to the Board all appointments and removals. *Beng.* 1793 *R.* 2. § 13. *Ben.* 1795 *R.* 5. § 13.

Ditto § 10

8. The law officers of the Civil and Criminal Courts are to be appointed by the Governor General in Council, and not removed except on proof, to his satisfaction, of incapacity, misconduct or private profligacy. *Beng.* 1793 [illegible] ext. *Ben.* 1795 *R.* 11. § 4. *Ced. Prov.* 1803 *R.* 11. § 2.

Ditto

9. They are to be persons of unblemished characters and versed in [illegible] *Beng.* 1793 *R.* 12. § 3. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11 [illegible] 2.

Ditto

10. The Courts are to report vacancies, and to recommend successors. *Beng.* 1793 *R.* 12. § 9. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov* 1803 *R.* 11 § 9.

Ditto § 5 &c.

11. The ministerial officers of the Civil and Criminal Courts, except the Naib Nazirs, Mirdahs and Peons, are to be appointed and removed by the Courts, who may take penal obligations from them. *Beng.* 1793 *R.* 13. § 2. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 2.

Ditto § 10

12. The Nazirs of the Civil and Criminal Courts are to appoint and remove their own Naibs, Mirdahs and Peons, and enter into penal obligations for the good behaviour of such Naibs &c. *Beng.* 1793 *R.* 13. § 2. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 2.

Ditto § 10

13. Two Record-keepers of the Civil and Criminal Courts are to be appointed in each Zilla. *Beng.* 1793 *R.* 18. § 2. ext. *Ben.* 1795 *R* 13. § 2. *Ced. Prov.* 1803 *R.* 13 § 2.

Ditto

14. And are not removable except for misconduct proved to the satisfaction of the Governor General in Council; but the office is not hereditary. *Beng.* 1793 *R.* 18. § 3. ext. *Ben.* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 3.

Ditto

15. The Magistrates are to appoint the Police officers and fill up vacancies, and are responsible for selecting proper persons; Police officers are not removable without proof of misconduct or incapacity to the satisfaction of the Governor General in Council; but Magistrates may suspend them and appoint a person pro tempore, reporting it to Government. *Beng.* 1793 *R.* 22. § 6.

16. No Darogha shall be appointed, without giving security, himself in 500 Rupees, with two sureties in 250 Rupees each. *Beng.* 1793 *R* 22. § 6.

17. Nor a Kotwal of a city without security himself in 2500 Rupees, and two sureties in 1250 Rupees each. *Beng* 1793 *R.* 22. § 28.

18. The Cazee-ul-Cuzat is to be appointed by the Governor General in Council, and not removed except on proof, to his satisfaction, of incapacity, misconduct or private profligacy. *Beng.* 1793 *R.* 39. § 2. *C.* 1. ext. *Ben.* 1795 *R.* 49. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 46. § 2. *C.* 1.

19. The Cazees of cities, towns and Pergunnas are not removable except on similar proof. *Beng.* 1793 *R.* 39. § 3. *C.* 1. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 3. *C.* 1.

20. But the office is not hereditary. *Beng.* 1793 *R.* 39 § 5. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 5.

21. And Government may abolish it, where deemed unnecessary. *Beng.* 1793 *R.* 39. § 3. *C.* 2. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 3. *C.* 2.

22. The Judges are to report vacancies, and recommend as successors persons qualified by legal knowledge and character; the recommendation shall be communicated to the Cazee-ul-Cuzat, who will report to Government whether there be any, and what, objection to the person recommended. *Beng.* 1793 *R* 39. § 4. ext. *Ben.* 1795 *R.* 49. § 2. *Ced. Prov.* 1803 *R.* 46. § 4.

23. Commissioners of lawsuits are to be nominated by the Judges and approved by the Sudder Dewannee Adaulut; and no person shall act till so approved. *Beng.* 1793 *R.* 40. § 3. *C.* 1. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 1. Modified 1804 R. 4 § 19

24. They shall not be removed without sufficient cause proved to the satisfaction of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 40. § 3. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3 *C.* 3. ditto

25. But the Sudder Dewannee Adaulut may limit the duration of commissions. *Beng.* 1793 *R.* 40. § 5. *C.* 5. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 7.

26. Commissioners for cities are to be the Cazees of the cities. *Beng.* 1793 *R.* 40. § 4. *C.* 2. ext. *Ben.* 1795 *R.* 31. § 2.

27. Or other persons of character and ability. *Beng.* 1793 *R.* 40 § 4. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2.

28. Commissioners for Zillas are to be landholders, or Sudder farmers, or Tehsildars and Sezawuls, or managers under the Court of Wards, or under farmers and Revenue officers of credit and responsibility, or creditable merchants or other persons of property and acknowledged character, or Jageerdars and their officers; or the Cazee

of

A. D. 1793 of Calcutta for Zilla Twenty-four Pergunnas; and Mofuſſil Cazees. *Beng.* 1793 *R.* 40. § 5. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov* 1803 *R.* 16. § 3. *C.* 5.

A. D. 1795 Modified 1804 R. 5 § 10 29. Tehſildars in Benares are to be Police officers in virtue of their appointments. *Ben.* 1795 *R.* 17. § 2. *Ced. Prov.* 1803 *R.* 35. § 21

ditto § 19 30. The incapacity of any Tehſildar for Police duties ſhall be reported by the Magiſtrates to Government. *Ben.* 1795 *R.* 17. § 6. *Ced. Prov.* 1803 *R.* 35. § 6.

31. The Khezanchee of the Benares Collector is not to be removed without the ſanction of the Governor General in Council. *Ben.* 1795 *R.* 5. § 11.

32. The Cazee-ul-Cuzat of the Provinces is to be head Cazee of Benares. *Ben.* 1795 *R.* 49. § 2. *C.* 1.

33. The Kotwal of Benares, or of Mirzapoor, is to give ſecurity, himſelf in 2500 Rupees and two ſureties in 1250 Rupees each; the Kotwal of Juanpoor, or of Ghazeepoor, ſecurity in half the ſum. *Ben.* 1795 *R.* 17. § 25.

A. D. 1797 34. The pleaders for Government in the Civil Courts ſhall be appointed by the Governor General in Council instead of the Sudder Dewannee Adaulut. *Beng. Ben.* 1797 *R.* 8. § 4. *Ced. Prov.* 1803 *R.* 10. § 22.

A. D. 1799 35. The managers of the eſtates of diſqualified landholders are to be officers of Government acting under the Collector, and are to be choſen by the Collectors and approved by the Board of Revenue. *Beng.* 1799 *R.* 7 § 26. *Ced. Prov.* 1803 *R.* 52. § 12.

36. The Ameens and principal native officers to be employed in the management of attached lands, with their ſureties, are to be nominated by the Collector for the approbation of the Board. *Beng.* 1799 *R.* 7. § 30. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 26 § 28.

A. D. 1800 37. Daroghas of the Benares ſtone quarries are to be nominated by the Collector for the approbation of the Board. *Ben.* 1800 *R.* 2. § 10.

38. Native officers, appointed for preparing the regiſters of landed eſtates, ſhall not be removable without proof of miſconduct to the ſatisfaction of the Governor General in Council. *Beng. Ben.* 1800 *R.* 8. § 18. *Ced. Prov.* 1803 *R.* 42. § 43.

A. D. 1803 Modified 1804 R 5 § 10 39. The Tehſildars in the Ceded Provinces are to be appointed by the Collector with the ſanction of the Board of Revenue. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 2.

ditto § 19 40. Daroghas of Police juriſdictions, entertained at the charge of Government in the Ceded Provinces, are to be nominated by the Magiſtrates; but ſhall not be removed without

without proof of misconduct or incapacity to the satisfaction of the Governor General in Council: but the Magistrates may suspend them and appoint a person pro tempore, reporting it to Government. *Ced. Prov.* 1803 R. 35. § 24. A. D. 1803

41. The head native Commissioners of lawsuits are to be nominated by the Judges, and approved by the Sudder Dewannee Adaulut, and shall not be removed except for sufficient cause proved to the satisfaction of that Court. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 2. ditto § 19

42. And Commissioners are to be vested with the power of Munsif. *Beng. Ben.* 1803 *R.* 49. § 14. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 29 *C.* 1. ditto

43. The judges are not restricted to particular persons in the selection of head Commissioners; but are required to be careful in selecting persons of character and ability, and qualified by education and past employments, reporting all information on these points to the Sudder Dewannee Adaulut. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 3. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 3. ditto

44. And the same for Commissioners vested with the power of Munsif. *Beng. Ben.* 1803 *R.* 49. § 14. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 29 *C.* 1. ditto

45. The Cazee-ul-Cuzat of Bengal &c. is to be Cazee-ul-Cuzat of the Provinces ceded by the Nawab Vizir to the Company. *Ced. Prov.* 1803 *R.* 46. § 2. *C.* 1.

46. The head ministerial native officer of the Sudder Dewannee and Nizamut Adaluts, of the Provincial Courts of Appeal and Circuit, of the Zilla and City Courts and Magistrates, of the Secretaries to the Boards of Revenue and Trade, of the Revenue and Custom Collectors, of the Commercial, Salt and Opium Agents, shall not be removed without the sanction of the Governor General in Council. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 5. A. D. 1804

47. Whenever such officers wish to resign, their resignation shall be received and recorded in open Cutchery and transmitted for the orders of Government through the prescribed channel of correspondence. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 5.

48. Whenever the authorities above named shall see cause for the removal of such an officer, the grounds thereof shall be communicated to him, with a call on him for his defence; and if his answer appear unsatisfactory, a report of the case shall be laid before Government through the Superior Court or Board, with all documents and translations thereof: and, in case of gross misconduct, he may be suspended, and a person temporarily appointed. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 6.

A. D. 1804

49. Whenever an actual vacancy shall occur by death or other cause, an immediate report shall be made through the prescribed channel to Government. *Beng. Ben. Ced. Prov.* 1804 *R.* 5 § 7.

50. Reports of the resignation of such officers are to be submitted to Government by the Superior Court or Board, with an opinion whether any objections occur to accepting it; and reports of charges against such officers, with an opinion whether there be grounds for the officer's removal or not, after calling for further proceedings if necessary: reports of vacancies are also to be forwarded to Government. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 8.

51. On vacancies, whether by resignation, removal, death or otherwise, a successor shall be nominated, reporting fully, through the prescribed channel of correspondence, all information of his past employments, character and qualification, which shall be submitted to Government with any objections which may appear to the appointment. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 9.

52. The above rules are applicable to the law officers, Cazees, Record-keepers, Police Daroghas, and Tehsildars in charge of Police, in addition to, and amendment of, the rules now in force: but such Tehsildars are not to be suspended except by Government, the Revenue Board, or Collector; and the nomination of successors is to be made by the Collectors through the Board. *Beng. Ben. Ced. Prov.* 1804 *R.* 5 § 10.

53. The above may also be extended by Government to any other officer, for whose appointment it may be judged proper to require the sanction of Government. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 11.

54. For which purpose an order of Government will be sufficient without a new Regulation. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 19.

55. Native officers under the above named authorities, receiving a monthly salary of ten Rupees or upwards, whose appointment and removal may not have been reserved to the Governor General in Council, shall not be removed without the sanction of the Sudder Dewannee or Nizamut Adaluts, or of the Boards of Trade or Revenue, according to their respective departments. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 15.

56. To whom reports of actual vacancies by death or otherwise shall be immediately made; also reports of resignations taken as prescribed in Section 5; and reports of cases where cause appears for the removal of such an officer, after communicating to him the grounds, and calling on him for his defence. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 16.

57.

57. And, in case of gross misconduct, the officer may be suspended and a person temporarily appointed, immediate report of which shall be made. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 17. A. D. 1804

58. On all vacancies of such offices whether by death, or by resignation or removal, or other cause, a successor is to be nominated for the approbation of the Superior Court or Board, with information of his past employment, character and qualifications; and the Court or Board may confirm such nomination, or direct a further nomination, after calling for further information if necessary. *Beng. Ben Ced. Prov.* 1804 *R* 5. § 18.

59. The above rules are applicable to Commissioners of lawsuits, and Khezanchees of Collectors, in addition to, and amendment of, the rules now in force; and to Tehsildars in Bengal, Behar and Orissa; and may be extended to any other office by an order of Government without a new Regulation. *Beng. Ben. Ced. Prov.* 1804 *R* 5. § 19.

60. Native officers, under the above named authorities, whose salary does not amount to ten Rupees, may be appointed and removed, without any reference to any superior authority, by the officer on whose establishment they are entertained; recording the grounds of removal, and exercising this power with due regard to the public service, by selecting proper persons, and continuing them in office whilst they discharge their duties. *Beng Ben. Ced. Prov.* 1804 *R.* 5. § 14.

61. The Nazirs are to appoint their Naibs, Mirdahs and Peons, subject to the approbation of the Judge or Magistrate; and may remove them on stating sufficient cause to his satisfaction, but not without his sanction: Police Daroghas, Kotwals and Tehsildars, or other officers in charge of Police, may similarly appoint and remove, with the sanction of the Magistrates, their Naibs, Jumadars and Burkundazes. *Beng. Ben. Ced. Prov.* 1804 *R.* 5 § 12.

62. And the same principle is applicable to the Naibs, Mirdas, Peons, Jumadars, Burkundazes &c. in the Revenue and Commercial Departments, and to any establishments which may be allowed to the Commissioners of lawsuits. *Beng. Ben. Ced Prov.* 1804 *R.* 5. § 13.

63. Lists of all establishments are to be sent to the Sudder Dewannee and Nizamut Adaluts, and to the Boards of Revenue and Trade, specifying the number and allowances of native officers actually employed, and the names and dates of appointment of those whose salary amounts to ten Rupees In case of any vacancies now existing which it may be requisite to fill, nominations shall be made according to Sections 9 and 18. The lists shall be sent to the Civil Auditor, who is to report any deviations from the authorized establishments, and is to enter the names of such officers in the book of civil establishments. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 20.

64.

A. D. 1804

64. Removals and appointments of ſuch officers ſhall be communicated to the Civil Auditor, by the Regiſters of the Sudder Dewannee and Nizamut Adauluts, and by the Secretaries of the Boards of Revenue and Trade. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 21.

65. The names of ſuch officers ſhall be inſerted in the detailed ſtatements of native eſtabliſhments, which are required to accompany any accounts. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 22.

66. No alteration in the allowances, nor in the number and deſignation, of the native officers compoſing the authorized eſtabliſhments, ſhall be made without the ſanction of Government. *Beng. Ben. Ced Prov.* 1804 *R.* 5. § 23.

67. But no public office ſhall be conſidered to be hereditary; and Government may aboliſh any whenever deemed unneceſſary. *Beng. Ben Ced. Prov.* 1804 *R.* 5. § 24.

A. D. 1805

68. The native officers of the Mint at Farrokhabad ſhall be nominated by the Mint and Aſſay Maſter, ſubject to the confirmation of the Mint Committee there, or of the Governor General in Council, according as they may come within either deſcription of officers in Regulation 5 of 1804: and all references, regarding officers receiving a monthly ſalary of ten Rupees and upwards, ſhall be made to the Committee; who ſhall act thereon, as the other intermediate authorities are directed by that Regulation. *Ced. Prov.* 1805 *R.* 11. § 4. *C.* 1.

69. The Mint Committee may direct the ſuſpenſion or diſmiſſion of any native officer of the Mint, reporting it to the Governor General in Council. *Ced. Prov.* 1805 *R.* 11. § 4. *C.* 2.

70. The inferior Payiks in Cuttack are to be appointed by the Sirdar Payik on his making himſelf reſponſible for the perſon recommended; and vacancies of the Sirdar Payiks are to be reported for the orders of the Nizamut Adaulut. *Beng.* 1805 *R.* 13. § 5.

71. The Pendits of the temple at Jugunnaut are to be recommended by the Collector, through the Board of Revenue, to the Governor General in Council. *Beng.* 1806 *R.* 4. § 12.

72. And the Governor General in Council may appoint them in the firſt inſtance, if he deem it proper. *Beng.* 1806 *R.* 4. § 13.

73. The Collector ſhall attend to the character and qualification of the perſons recommended and conſult the moſt reſpectable Hindoos on the ſubject. *Beng.* 1806 *R.* 4. § 13.

74.

74. The Pundits of the temple of Jugunnaut shall not be removable except on proof of misconduct to the satisfaction of Government. *Beng.* 1806 *R.* 4. § 15. A. D. 1806

75. The Collector is to report vacancies among the officers of the temple of Jugunnaut, to the Board, with the recommendation of proper successors; attending to the usages of the temple, and the religious opinions of the officers and pilgrims: and the Board shall either fill such vacancies or report to Government, according as the case may be. *Beng.* 1806 *R.* 4. § 19.

II. *JUDICIAL DEPARTMENT.*

1. Law Officers of the Courts.

1 The Muhamedan law officers of the Courts are to take a prescribed oath before the Court to which they belong, on entering office. *Beng.* 1793 *R.* 12. § 5. *C.* 1. ext. *Ben.* 1795 *R.* 11 § 2. *Ced. Prov.* 1803 *R.* 11. § 5. *C.* 1. A. D. 1793

2. And on the 1st January and 1st July of each year. *Beng.* 1793 *R.* 12. § 5. *C.* 2. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 5. *C.* 2.

3. The Pundits of the Civil Courts are to subscribe a declaration on entering office, before the Court to which they belong. *Beng.* 1793 *R* 12. § 7. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 7.

4. The law officers of the Sudder Dewannee Adaulut are to be law officers of the Nizamut Adaulut; and the law officers of the Provincial Courts of Appeal are to be law officers of the Courts of Circuit. *Beng.* 1793 *R.* 12. § 4. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 4.

5. And are in such capacities to take the following oaths. *Beng.* 1793 *R.* 12. § 6. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 6.

6. The law officers of the Courts of Circuit, a prescribed oath on entering office. *Beng.* 1793 *R.* 9. § 37. ext. *Ben.* 1795 *R.* 16. § 10. *Ced. Prov.* 1803 *R.* 7. § 8.

7. And on the 1st January and 1st July of each year. *Beng.* 1793 *R.* 9 § 38. ext. *Ben.* 1795 *R.* 16. § 10. *Ced. Prov.* 1803 *R.* 7. § 9.

8. And the law officers of the Nizamut Adaulut, the same oaths which are prescribed for the law officers of the Courts of Circuit. *Beng.* 1793 *R.* 9. § 71. ext. *Ben* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 8.

9. The Cazee-ul-Cozat is to be a law officer of the Nizamut Adaulut. 1793 *R.* 9. § 67.

A. D. 1793

10. The law officers of the Provincial Courts of Appeal are to be law officers of the Courts of Circuit, and are not removable except on proof of incapacity, misconduct, or private profligacy, to the satisfaction of the Governor General in Council. *Beng.* 1793 *R.* 9. § 36. *Ben.* 1795 *R.* 16. § 9. *Ced. Prov.* 1803 *R.* 7. § 7.

11. The Courts of Circuit are to report to the Nizamut Adaulut, whenever it shall appear to them, that the law officers are incapable, or guilty of misconduct or private profligacy. *Beng.* 1793 *R.* 9. § 60. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 30.

12. The Futwa of either law officer of a Court of Circuit shall be equally valid as a Futwa delivered by them jointly. *Beng.* 1793 *R.* 9. § 61. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 7.

Modified 1806 R. 10 § 10

13. Charges of corruption against the law officers are to be tried by the same rules with similar charges against the ministerial officers, under the following modifications. *Beng.* 1793 *R.* 12. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 1.

14. 1st; All decisions of a Provincial Court of Appeal, whether of conviction or acquittal, and whatever be the amount, may be appealed to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 12. § 8. *C.* 2. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 2.

15. 2d; Decisions against the law officers shall remain unexecuted, if appealed and the prescribed securities given. *Beng.* 1793 *R.* 12. § 8. *C.* 3. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 3.

16. 3d; The Zilla and City Courts may enforce such decisions, if not appealed within the limited time, transmitting a copy to Government. *Beng.* 1793 *R.* 12. § 8. *C.* 4. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 4.

17. 4th; And the Provincial Courts of Appeal. *Beng.* 1793 *R.* 12. § 8. *C.* 5. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 5.

18. 5th; The Sudder Dewannee Adaulut shall transmit, in one week, to Government, a copy of every decree which they may pass against the law officer of any Court. *Beng.* 1793 *R.* 12 § 8. *C.* 6. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 6.

19. 6th; The Governor General in Council will, if he judge proper, suspend a law officer pending the trial of the charges against him. *Beng.* 1793 *R.* 12. § 8. *C.* 7. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 7.

20.

20. 7th; Decisions acquitting a law officer, if not appealed, or if passed by the Sudder Dewannee Adaulut, are to be transmitted to Government. *Beng.* 1793 *R.* [illegible] § 8. *C.* 8. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 8. A. D.

21. In case of the sickness or death of a law officer of a Court of Circuit, during the circuit, or if he be prevented by indisposition from going the circuit, the Muhamedan law officer of the Zilla may be employed, and his Fut[illegible] shall have equal validity. *Beng.* 1794 *R.* 7. § 14. ext. *Ben.* 1795 *R.* 16. § 21. *Ced. Prov.* 1803 *R.* 7. § 24. A. D. [illegible] Re-enacted 1797 R. 4.

22. The Pundit of the Benares Provincial Court of Appeal is to be Pundit of the Benares Court of Circuit. *Ben.* 1795 *R.* 11. § 3.

23. And is to subscribe a declaration as directed in Section 7, Regulation 12 of 1793. *Ben.* 1795 *R.* 16. § 11.

24. If a law officer of a Court of Circuit be prevented by indisposition or otherwise from attending the Court, while sitting in any Zilla or City, the Muhamedan law officer of such Zilla or City is to officiate. *Beng. Ben.* 1797 *R.* 4. § 8. *Ced. Prov.* 1803 *R.* 7. § 24.

25. In case of the death, absence or indisposition of a law officer of a special Court, the remaining law officer is competent to proceed with the trial, until provision be made by Government, or if no provision be made. *Beng. Ben.* 1799 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 20. § 4. A. D. [illegible]

26. If neither law officer of a Court of Circuit be present or able to attend the monthly or quarterly jail delivery, the law officer of the Zilla or City, for which the jail delivery is held, shall officiate. *Beng. Ben.* 1804 *R.* 2. § 5. A. D. [illegible]

27. The law officers of the Zilla or City Courts shall, by virtue of their office, be deemed head Commissioners for the trial of suits referred to them by the Judge. *Beng. Ben. Ced. Prov.* 1805 *R.* 15. § 2. A. D. [illegible]

28. Security shall not be demanded in the first instance for prosecuting a charge of corruption against a law officer, but may be required if deemed necessary during the inquiry. *Beng. Ben. Ced. Prov.* 1805 *R.* 10. § 10. A. D. [illegible]

2. Ministerial Officers of the Courts.

1. The native ministerial officers of the Civil and Criminal Courts, before entering into office, are to take a prescribed oath before the Court to which they belong. *Beng.* 1793 *R.* 13. § 4. ext. *Ben* 1795 *R* 12. § 2. *Ced Prov* 1803 *R.* 12. § 4. A. D. 1793

2.

Beng. 1793 2. They are to assist the Register in the performance of his duties, conformably to such rules as the Courts may prescribe. *Beng.* 1793 *R.* 13. § 8. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 11.

3. And the Courts may assign to all the ministerial officers the particular duties to be performed by them. *Beng.* 1793 *R.* 13. § 5. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 5.

4. The native officers are not to interfere, publicly nor privately, in any cause brought or to be brought before the Court. *Beng.* 1793 *R.* 13. § 8. ext. *Ben.* 1795 *R.* 12. § 2. *Ced Prov.* 1803 *R.* 12. § 11.

5. Nor to report to the Court on any matter of fact in a cause. *Beng.* 1793 *R.* 4. § 16. ext. *Ben.* 1795 *R.* 8. § 2 *Ced. Prov* 1803 *R.* 3. § 17.

6. Nor to be chosen arbitrators in a cause. *Beng.* 1793 *R.* 16. § 4. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 4.

7. The ministerial officers of a Provincial Court of Appeal are to be also officers of the Circuit Court. *Beng.* 1793 *R.* 9. § 39. *Ben.* 1795 *R.* 16. § 12. *Ced. Prov.* 1803 *R.* 7. § 10.

Modified 1806 R. 10 § 10 8. On a charge for corruption or extortion against a native ministerial officer of a Court, civil or criminal, being preferred on oath and with security, it is to be received. *Beng.* 1793 *R.* 13. § 9. *C.* 1. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 1.

9. And proceeded upon as a civil suit, in the Court which receives the charge, or to whom it may be referred. *Beng.* 1793 *R.* 13. § 9. *C.* 7. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 7.

10. On proof of the charge, the Court is to decree restitution with treble penalty; and the Court, passing such a decree if not appealed, or confirming such a decree in appeal, shall execute the decree by the usual process and send a copy of it to Government; who will, in its discretion, declare such officer incapable of serving Government: the Court may suspend the officer pending the trial. *Beng.* 1793 *R.* 13. § 9. *C.* 8. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 8.

11. Any officer, acquitted of such a charge, may sue the complainant for damages. *Beng* 1793 *R.* 13. § 9. *C.* 12. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 12.

12. On a charge thus preferred to the Sudder Dewannee or Nizamut Adaulut against an officer of a Provincial Court of Appeal or Circuit, with proof that the Court refused to receive it, if it be for a matter not pending or decided in the Sudder Dewannee or Nizamut Adaulut; but, without such proof, if for a matter there pending or decided, the Sudder Dewannee or Nizamut Adaulut may refer it to the Court of Appeal or Circuit. *Beng.* 1793 *R.* 13. § 9. *C.* 2. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 2.

13. Or on a charge against an officer of a Zilla or City Court, with proof that the Court and also the Provincial Court of Appeal refused to receive it, if it be for a matter not pending or decided in the Sudder Dewannee or Nizamut Adaulut, but without such proof if for a matter so pending or decided, the Sudder Dewannee Adaulut may order the original Court or the Provincial Court of Appeal to receive and try it. *Beng.* 1793 *R.* 13 § 9. *C.* 3. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 3.

14. In particular cases the Sudder Dewannee or Nizamut Adaulut may order a charge against an officer of a Zilla or City Court to be tried in the Provincial Court of Appeal, or may cause a charge against an officer of a Zilla, City or Appeal Court to be tried in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 13. § 9. *C.* 5 ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 5.

15. On a charge thus preferred to a Provincial Court of Appeal against an officer of a Zilla or City Court, with proof that the Court refused to receive it, if it be for a matter not pending in the Provincial Court of Appeal; but without such proof, if for a matter so pending or decided; the Provincial Court of Appeal may order the Court to receive and try it. *Beng.* 1793 *R.* 13. § 9. *C.* 4 ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12 § 12. *C.* 4

16. Or may report to the Sudder Dewannee Adaulut objections against the Court's trying it; and the Sudder Dewannee Adaulut may authorize the Provincial Court of Appeal to try it *Beng* 1793 *R.* 13. § 9. *C.* 6. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 6.

17. The native Record-keepers of the Civil and Criminal Courts are to be guided by the Regulations prescribing their duties, and by the directions of the Court or the Register for the better preserving of the records. *Beng.* 1793 *R.* 18. § 8. ext. *Ben.* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 8.

18. If any documents be destroyed through their negligence, or not forthcoming, they shall be dismissed. *Beng.* 1793 *R.* 18. § 7. ext. *Ben.* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 7.

A. D. 1797 19. Native officers of the Civil Courts shall be dismissed from office if they file any pleading not written on stampt paper. *Beng. Ben.* 1797 *R.* 6. § 17. *C.* 11. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 9.

20. Or if they furnish, or make, or allow any person to furnish or make, a copy of a judicial paper except on the prescribed stampt paper. *Beng. Ben.* 1797 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 15. *C.* 3.

A. D. 1800 21. Judicial officers, filing any document &c. not written on the required stampt paper, or furnishing a copy on any other than the required stampt paper, shall besides dismission pay a fine of ten times the stamp duty. *Beng. Ben.* 1800 *R.* 7. § 26. *Ced. Prov.* 1803 *R.* 43 § 25.

A. D. 1806 22. Security shall not be demanded in the first instance for the prosecution of any charge of corruption, but may be required if deemed necessary during the inquiry. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 10.

3. Other Officers attached to the Courts.

A. D. 1793 1. Police officers of Zillas may be sued either criminally before the Court of Circuit, or for damages in the Civil Court, for corruption, extortion, oppression or any act repugnant to the Regulations. *Beng.* 1793 *R.* 22. § 22. *Ben.* 1795 *R.* 17. § 20. *Ced Prov.* 1803 *R.* 35. § 21.

2. Kotwals, and Daroghas of wards in cities, are similarly liable. *Beng.* 1793 *R.* 22. § 38. *Ben.* 1795 *R.* 17. § 35.

3. Police officers shall be dismissed for inserting, in letters sent free by the Dawk, any matter not relating to the public service. *Beng.* 1793 *R.* 22. § 15.

4. And for apprehending any person, issuing any orders, or doing any official act, which shall not be inserted and truly stated in the monthly reports to the Magistrates. *Beng.* 1793 *R.* 22. § 21. *Ben.* 1795 *R.* 17. § 19. *Ced. Prov.* 1803 *R.* 35 § 20.

5. The Magistrates may suspend Police Daroghas deemed disqualified by incapacity, misconduct, or other cause, appointing a person pro tempore, and reporting it to the Governor General in Council, who will determine whether the Darogha shall be removed or continued. *Beng.* 1793 *R.* 22. § 6.

6. Also Kotwals and Daroghas of cities. *Beng.* 1793 *R.* 22. § 28.

7. Kotwals of cities are to report to the Magistrates every instance of negligence or misconduct in the officers under them. *Beng.* 1793 *R.* 22. § 29. *Ben.* 1795 *R.* 17. § 26.

8.

8. The Cazees of cities, towns and Pergunnas may be sued in the Civil Courts for undue practices in the discharge of the duties prescribed to them by a Regulation. *Beng.* 1793 *R.* 39 § 11. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 11. A. D.

9. The Zilla, City and Appeal Courts shall report to the Governor General in Council whenever they deem a Mofussil Cazee incapable or guilty of negligence, misconduct, or profligacy. *Beng.* 1793 *R.* 39 § 6. *C.* 1. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 6. *C.* 1.

10. And the Cazee-ul-Cuzat is to report similarly. *Beng.* 1793 *R.* 39. § 6. *C.* 2. ext. *Ben.* 1795 *R.* 49 § 3. *Ced. Prov.* 1803 *R.* 46. § 6. *C.* 2.

11. If a Pergunna Cazee connive at unfair practices in the appraisement or sale of distrained property, the Court shall cause him to make good any loss or injury sustained by the defaulter, and shall report the case to the Sudder Dewannee Adaulut for the information of the Governor General in Council. *Beng.* 1793 *R.* 17. § 23. *Ben.* 1795 *R.* 45. § 21. *Ced. Prov.* 1803 *R.* 28. § 21.

12. If he purchase any of the distrained property, the Court shall cause him to restore it or its full value, and forfeit the purchase money; and shall report the case to the Sudder Dewannee Adaulut for the information of the Governor General in Council. *Beng.* 1793 *R.* 17. § 24. *Ben.* 1795 *R.* 45. § 22. *Ced. Prov.* 1803 *R.* 28. § 22.

13. Pleaders in the Civil Courts may be fined by the Court, as far as 100 Rupees, for disrespect. *Beng.* 1793 *R.* 7. § 16. ext. *Ben.* 1793 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 15.

14. And fifty Rupees for being absent (a first time) without giving notice. *Beng.* 1793 *R.* 7 § 32. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 30.

15. May be fined or dismissed by the Sudder Dewannee Adaulut for promoting litigious suits, and for frauds, or gross misbehaviour. *Beng.* 1793 *R.* 7. § 17. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 16.

16. Shall be dismissed for refusing to plead after the receipt of the retainer. *Beng.* 1793 *R.* 7. § 7. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 6.

17. For wilfully delaying the suit for their own advantage. *Beng.* 1793 *R.* 7. § 18. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 17.

18. For demanding or accepting any thing besides the authorized fees. *Beng.* 1793 *R.* 7. § 19. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 18.

19. For incapacity or misconduct in their public duty, or gross profligacy or misbe-

haviour

A. D. 1793 haviour in their private conduct. *Beng.* 1793 *R.* 7. § 22. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 21.

20. For being absent a second time without giving notice. *Beng.* 1793 *R.* 7. § 32. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 30.

21. And may be prosecuted by the client for any breach of Regulations, and for any fraudulent or bad practices in the suit. *Beng.* 1793 *R.* 7. § 31. ext. *Ben* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 29.

22. In case of incapacity, and for acts subjecting a pleader to dismission, the Court is to suspend him and transmit all the proceedings to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 7. § 22. ext. *Ben.* 1795 *R.* 13 § 2. *Ced. Prov.* 1803 *R.* 10. § 21.

23. Commissioners of lawsuits, on proof of corruption, shall refund three times the amount, and on proof of oppression be cast in damages; but they are not liable to suit for want of form in proceeding, and error in judgment; and no process shall issue, unless the Judge be satisfied by evidence, that the charge is well founded. *Beng.* 1793 *R.* 40. § 8. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 6.

24. They shall be adjudged to pay twice the amount of the decree to any person against whom they attempt to enforce it. *Beng.* 1793 *R.* 40. § 14. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 12.

25. Officers of Government may be sued for damages if they obstruct the salt manufacture. *Beng.* 1793 *R.* 29. § 16.

26. Or the provision of the investment. *Beng.* 1793 *R.* 31. § 6. *Ced. Prov.* 1803 *R.* 37. § 6. ext. *Ben.* 1805 *R.* 4. § 2.

37. And shall not behave with disrespect to the salt Agents or their officers, but afford on application every assistance consistent with the Regulations. *Beng.* 1793 *R.* 29. § 17.

28. Or to Commercial Agents. *Beng.* 1793 *R.* 31. § 7. *Ced. Prov.* 1803 *R.* 37. § 7. ext. *Ben.* 1805 *R.* 4. § 2.

A. D. 1794 29. Police Daroghas shall make good the penalty, imposed on unlicensed liquor venders bailed by them, if the surety should be unable to pay the penalty. *Beng.* 1794 *R.* 1. § 6. ext. *Ben.* 1795 *R.* 47. § 9. *Ced. Prov.* 1803 *R.* 40. § 33.

A. D. 1795 30. Tehsildars in Benares are responsible for robberies within their limits, except for night robberies in woods and roads unless they had such knowledge as might have enabled them to prevent them, and except in inhabited places unless guilty of connivance or of

want

want of care and vigilance; with counter responsibility of landholders and farmers to Tehsildars for robberies in their estates or farms. *Ben.* 1795 *R.* 17. § 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 1. A. D. 1795

31. Tehsildars of places held Kham are responsible, equally with other Tehsildars, under Section 3, Regulation 17 of 1795, for robberies. *Ben.* 1797 *R.* 8. § 3. *Ced. Prov.* 1804 *R.* 3. § 6. *C.* 2. A. D. 1797

32. Native pleaders, convicted of agreeing with a client to plead a cause for less than the authorized fees, shall forfeit the whole fees to Government and be dismissed. *Beng. Ben.* 1798 *R.* 5. § 15. *Ced. Prov.* 1803 *R.* 10. § 32. A. D. 1798

33. Police officers in Silhet are liable to suit for damages, if they seize improperly, as liable to confiscation, exports on the Khasia frontier. *Beng.* 1799 *R.* 1. § 5. A. D. 1799

34. Native commissioners of lawsuits may be sued for false imprisonment if they detain an arrested defendant more than twenty-four hours without transmitting him to the Judge; except on a written request of the defendant and written assent of the plaintiff. *Beng.* 1799 *R.* 7. § 15. *C.* 2. *Ben.* 1800 *R.* 5. § 14. *C.* 2. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 2.

35. Pergunna Cazees will be liable to dismission, and to the specified penalties, and to full damages, for any collusion with the defaulter, distrainer or purchaser, or for other misconduct regarding distrained property. *Beng.* 1799 *R.* 7. § 5. *Ben.* 1800 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 2.

36. Police officers shall not receive any complaints for any offence punishable by the Magistrates, unless written on the required stampt paper, under penalty of immediate dismission. *Beng. Ben.* 1800 *R.* 7. § 23. *Ced. Prov.* 1803 *R.* 43. § 23. A. D. 1800

37. Officers of Government, improperly seizing salt as adulterated, may be sued for damages. *Beng. Ben.* 1800 *R.* 4. § 5.

38. Police officers, seizing or detaining salt, except when unaccompanied by a Ruwanna, shall be dismissed, and may be sued for damages. *Beng. Ben.* 1801 *R.* 6 § 11. *C.* 3. A. D. 1801

39. Omitting or delaying to report a seizure of salt, may be sued for damages, and dismissed from office, and shall forfeit their share of the reward. *Beng. Ben.* 1801 *R.* 6. § 21.

40. Commissioners of lawsuits are liable to dismission if they permit any person to plead in a cause before them, except he be a relation or defendant of the party, or an A. D. 1803

A. D. 1803 established Vakeel authorized by a Sunnud from the Judge. *Beng. Ben.* 1803 *R.* 49. § 18. *C.* 5. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 6.

41. Police officers, convicted of conniving at the illicit cultivation of opium within their jurisdictions, shall be dismissed and amerced in the prescribed penalty. *Ced. Prov.* 1803 *R.* 41. § 6.

A. D. 1805 42. Police officers of every description, convicted of robbery, or of procuring the commission of a robbery, or of any direct connivance at robbery, shall be subject to the penalty of death or imprisonment and transportation for life; with corporal punishment according as the crime shall or shall not have been accompanied with homicide or other aggravating act. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 4.

43. And, if convicted of going forth with a gang, or of conniving at the going forth of a gang, with an intent to commit robbery, shall be liable to corporal punishment, and imprisonment of fourteen years or more in the discretion of the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 5.

44. And to any punishment not extending to life or limb if convicted of theft, or of direct connivance at theft, unaccompanied with acts of open violence. *Beng. Ben. Ced. Prov* 1805 *R* 3. § 6.

45. When the Magistrate is of opinion that any Payik in Cuttack should be dismissed from office for disobedience of orders, neglect of duty, or other misconduct, he shall report the case for the orders of the Nizamut Adaulut. *Beng.* 1805 *R.* 13. § 5.

46. Payiks and other watchmen, employed by Zemindars in charge of Police, are punishable for neglect of duty, or other misconduct, by fine, imprisonment or removal from office. *Beng.* 1805 *R.* 18. § 7. *C.* 5.

A. D. 1806 47. Police officers are prohibited, under pain of dismission, from compelling any person not accustomed to act as bearers, Cooleys or boatmen, to serve on the occasion of any traveller requiring assistance, and from furnishing bullocks or carts not kept for hire, or exclusively appropriated to agriculture. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 8.

III. *REVENUE DEPARTMENT.*

1. Sudder Officers.

A. D. 1793 1. Native officers under a Collector of Revenue, or a Mint and Assay Master, are amenable to the Civil Courts for acts done officially in opposition to a Regulation. *Beng.* 1793 *R.* 3. § 10. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 7.

2.

2. And may be sued for damages, for any breach of the Regulations respecting the coin. *Beng.* 1793 *R.* 35. § 18. *Ced. Prov.* 1803 *R.* 45. § 52. A. D. 1793

3. Native officers of public Treasuries, refusing a tender of Sicca Rupees, and requiring any other species of Rupees, or refusing a tender of Rupees of sorts, before 10th April 1794, at the authorized valuation, shall be dismissed and cast in damages. *Beng.* 1793 *R.* 35. § 22. *Ced. Prov.* (from the year 1216) 1803 *R.* 45. § 27.

4. And receiving any except Sicca Rupees after 10th April 1794, shall be fined and dismissed on conviction in a Civil Court. *Beng.* 1793 *R.* 35. § 23. *Ced. Prov.* (after the year 1216) 1803 *R.* 45. § 28.

5. Also for refusing to take legal gold Mohurs and their fractional parts at the rate of sixteen Rupees per gold Mohur. *Beng.* 1793 *R.* 35. § 3.

6. Native officers of a Collector may be fined as far as six months salary or dismissed from office, by the Collector, or the Revenue Board, or Government, for any unauthorized act; and may be also sued for damages, in the Civil Courts, by the party aggrieved. *Beng.* 1793 *R.* 2. § 9. *Ben.* 1795 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 25. § 8.

7. They are to obey all orders of the Collector. *Beng.* 1793 *R.* 2. § 9. *Ben.* 1795 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 25. § 8.

8. And of the Assistant in case of the death, removal or absence of the Collector. *Beng.* 1793 *R.* 2. § 14. *Ben.* 1795 *R.* 5. § 14. *Ced. Prov.* 1803 *R.* 25. § 13.

9. The Collectors are not to employ private servants on public duties. *Beng.* 1793 *R.* 2. § 10. *Ben.* 1795 *R.* 5. § 10. *Ced. Prov.* 1803 *R.* 25. § 9.

10. Nor public servants in private business. *Beng.* 1793 *R.* 2. § 13. *Ben.* 1795 *R.* 5. § 13. *Ced. Prov.* 1803 *R.* 25. § 12.

11. The Khezanchee is to be under the orders of the Collector; he and the Collector are jointly and severally answerable for the public money. *Beng.* 1793 *R.* 2. § 11. *Ced. Prov.* 1803 *R.* 25. § 10.

12. And under pain of responsibility, he is not to issue any money without a written warrant signed by the Collector and Dewan, and attested, numbered, and registered, by the native Record-keepers. *Beng.* 1793 *R.* 2. § 12. *Ben.* 1795 *R.* 5. § 12. *Ced. Prov.* 1803 *R.* 25. § 11.

13. The Dewan of a Collector, or a native in his or his Assistant's employ, is not to farm land, nor be concerned privately in the revenue of any land, nor to purchase land

sold

A. D. 1793 sold by the Collector at public sale, under pain of forfeiture to Government on proof to the satisfaction of the Governor General in Council. *Beng.* 1793 *R.* 2. § 15. *Ben.* 1795 *R.* 5. § 15. *Ced. Prov.* 1803 *R.* 25. § 14.

14. They may however buy land bonâ fide by private sale. *Beng.* 1793 *R.* 2. § 16. *Ben.* 1795 *R.* 5. § 16. *Ced. Prov.* 1803 *R.* 25. § 15.

15. The Dewan of a Collector is not to trade. *Beng.* 1793 *R.* 2. § 18. *Ben.* 1795 *R.* 5. § 18. *Ced. Prov.* 1803 *R.* 25. § 17.

16. Nor to lend money to any Malguzar; and such loans shall not be recoverable in any Court of Judicature. *Beng.* 1793 *R.* 2. § 19. *Ben.* 1795 *R.* 5. § 19. *Ced. Prov.* 1803 *R.* 25. § 18.

17. Native officers of Collectors, not attending the Board of Revenue when required, may be fined: but personal attendance is not to be required when the business can be transacted by a Vakeel. *Beng.* 1793 *R.* 2. § 33. ext. *Ben.* 1795 *R.* 5. § 29.

18. Native officers of the Revenue Board are required to obey the orders of the President. *Beng.* 1793 *R.* 2. § 66.

19. Native officers of Collectors are to be fined three times the amount, and dismissed, on conviction before a Court of receiving a bribe for registering a rent-free grant. *Beng.* 1793 *R.* 19. § 45. *R.* 37. § 40. *Ben.* 1795 *R.* 41. § 45. *R.* 42. § 40. *Ced. Prov.* 1803 *R.* 31. § 41. *R.* 36. § 40.

20. The native Record-keepers for the custody of revenue records in each Zilla are to be guided by the Regulations which prescribe their duties, and by the directions of the Collectors for the better preserving of the records. *Beng.* 1793 *R.* 21. § 8. ext. *Ben.* 1795 *R.* 30. § 2. *Ced. Prov.* 1803 *R.* 23. § 8.

21. They shall be dismissed if any records be destroyed through their negligence, or not forthcoming. *Beng.* 1793 *R.* 21. § 7. ext. *Ben.* 1795 *R.* 30. § 2. *Ced. Prov.* 1803 *R.* 23. § 7.

A. D. 1794 22. All native officers, under a Collector, entrusted with the receipt or payment of public money, or the charge of public accounts, are to give security; and may be required by the Collector to give new sureties if he doubt the responsibility of the former sureties. *Beng.* 1794 *R.* 3. § 15. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 2. *C.* 1.

23. On the removal or resignation of such officer, the Collector shall give him an acquittal after he shall have delivered up his charge. *Beng.* 1794 *R.* 3. § 15. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 2. *C.* 1.

24.

24. On the death of such officer, his surety is exonerated, and the Collector must sue the heir for any demand on the deceased. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 3.

25. If any such officer, on a written requisition by the Collector, shall not deliver up the money or accounts in his possession within the limited time, the Collector may apprehend him; and the Judge shall detain him in custody till he comply: the Collector may also attach his property, or apply to other Collectors, or to Judges of cities, to attach the property if in other Zillas or Cities; and the Board may order the property to be sold. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 3.

26. If such officer shall abscond, the Collector may proceed against his sureties; or may apprehend the officer, if within the limits of the Zilla: or if not, and the Collector should deem his attendance necessary, he shall apply to the Judge for him to be seized by any other Judge, in whose Zilla or City he may have taken refuge. *Beng.* 1794 *R.* 3. § 17. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 4.

27. If an adjustment of accounts be wanted, and such officer shall not attend after being required by a notice affixed in the Cuchery and at his last residence in the Zilla, the Collector shall prepare such statement, as he is able, of the money and papers in his possession, and proceed against the surety; or he may apprehend the officer or apply for his apprehension; and, though, upon subsequent inquiry in Court, no money nor papers should be proved against such officer, he shall not be entitled to damages. *Beng.* 1794 *R.* 3. § 18. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 5.

28. Such officer, if apprehended, may be released on giving further security to sue the Collector in fifteen days to contest the demand; and any property, which may have been attached, if not sold, shall be released. *Beng.* 1794 *R.* 3. § 19. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 6.

29. Or he may, while in confinement, sue the Collector. *Beng.* 1794 *R.* 3. § 20. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 7.

30. The Collector is to appoint a Vakeel of the Court to defend such suits under the rules of Regulation 14 of 1793. *Beng.* 1794 *R.* 3. § 21. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 8.

31. Which are also applicable to suits brought by a Collector against the heirs of a deceased officer. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 3.

A. D. 1795 32. The Khezanchee of the Benares Collector is to act under the orders of the Collector, who shall report to the Board any cause of complaint against him or his Agents. *Ben.* 1795 *R.* 5. § 11.

A. D. 1797 33. Native officers of the Board of Revenue, or of a Collector, shall be dismissed, if they furnish an unstampt copy of a revenue paper. *Beng. Ben.* 1797 *R.* 6. § 20, *C.* 5.

A. D. 1800 34. Revenue officers, filing any document &c. not written on the required stampt paper, or furnishing a copy on any other than the required stampt paper, shall, besides dismission, pay a fine of ten times the stamp duty. *Beng. Ben.* 1800 *R.* 7. § 26.

A. D. 1803 35. Public officers of Government, in the Ceded Provinces, convicted of refusing to receive payment of the fractional part of a Rupee in copper coin, shall be dismissed from office and condemned in costs and damages. *Ced. Prov.* 1803 *R.* 45. § 50.

2. Mofussil Officers.

A. D. 1793 1. Ameens, in charge of lands attached for balances of revenue, may be sued by the tenants for infringing the engagements, and by the landholders &c. for embezzlement. *Beng.* 1793 *R.* 14. § 6.

2. And Ameens in charge of lands attached for sale in execution. *Beng.* 1793 *R.* 45 § 7. *Ben.* 1795 *R.* 20. § 7. *Ced. Prov.* 1803 *R.* 26. § 21.

3. Or any public officer in charge of lands attached for arrears. *Beng.* 1793 *R.* 14. § 25.

4. Or of lands attached for sale in execution. *Beng.* 1793 *R.* 45. § 8. *Ben.* 1795 *R.* 20. § 8. *Ced. Prov.* 1803 *R.* 26. § 22.

5. Tehsildars may be chosen arbitrators in civil suits. *Beng.* 1793 *R.* 16. § 3. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 3.

6. And may be appointed Commissioners for trying civil suits. *Beng.* 1795 *R.* 40. § 5. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 5.

7. Cazees and other public officers, entrusted with the payment of pensions, are liable to dismission, on proof, to the satisfaction of the Governor General in Council, of misconduct. *Beng.* 1793 *R.* 24. § 15. *Ben.* 1795 *R.* 34. § 12. *Ced. Prov.* 1803 *R.* 24. § 14. *C.* 1.

8. Tehsildars of estates held Khas are to produce to the Ameen all required accounts and papers, in case the estate should be ordered for division. *Beng.* 1793 *R.* 25. § 29. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 59.

9.

9. Tehsildars in Benares are liable to make good, from their own property, deficiencies in the collection of the revenues proved to have arisen from wilful neglect or inattention, or direct embezzlement; and may be dismissed by the Collector with the sanction of the Board, and prosecuted on their engagements. *Ben.* 1795 *R.* 6. § 6. *Ced. Prov.* 1803 *R.* 27. § 6. [illegible]

10. Tehsildars shall be dismissed, if the resistance of process by a Malguzar shall appear to have arisen from the injustice of the demand. *Beng.* 1795 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

11. Peons, serving Dustuks in Benares, shall be made to refund double the amount of any exaction, either on complaint to the Collector or on suit in Court. *Ben.* 1795 *R.* 6. § 7. *Ced. Prov.* 1803 *R.* 27. § 7.

12. And shall be dismissed and declared incapable of revenue employment for misconduct in serving the Dustuks. *Ben.* 1795 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

13. Tehsildars may be cast in damages, for any infraction of the prescribed rules in proceeding against Malguzars, or for unnecessary severity in the execution of them. *Ben.* 1795 *R.* 6. § 16. *Ced. Prov.* 1803 *R.* 27. § 16. *C.* 1.

14. Tehsildars, vested by the Collector with discretionary authority to distrain, will be held answerable for the justness of the demand and for any deviation from the Regulations. *Ben.* 1800 *R.* 5. § 22. *Ced. Prov.* 1803 *R.* 27. § 14. *C.* 2. A. D. 1800

15. Daroghas of Benares stone quarries are to take a prescribed oath before the Collector, and give security. *Ben.* 1800 *R.* 2. § 10.

16. If they exact more than the authorized duty, they may be sued for extortion according to Regulation 13 of 1793. *Ben.* 1800 *R.* 2. § 9.

17. And if they seize any stones as contraband without sufficient grounds to warrant suspicion, they may be sued for damages. *Ben.* 1800 *R.* 2. § 12.

18. They may be dismissed and prosecuted criminally for breach of trust, if seizures be made without their participation. *Ben.* 1800 *R.* 2. § 11.

19. Sezawuls &c. wilfully omitting a new village in the statements which they furnish to the Collector, will be liable to a fine in the discretion of Government. *Beng. Ben.* 1800 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 42. § 40.

20. Officers of Government in charge of Khas lands shall pay a penalty of 5000 Rupees for any private salt-works on the estate. *Beng.* 1801 *R.* 6. § 7. *C.* 2. A. D. 1801

21.

A. D. 1801 21. Officers under a Collector of Revenue shall be liable to dismission and suit for damages, for seizing or detaining salt without the special authority of the Collector. *Beng.* 1801 *R.* 6. § 11. *C.* 7.

A. D. 1803 22. No Tehsildar in the Ceded Provinces is to have a collection exceeding three Lacks, without the sanction of Government on the report of the Collector through the Board. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 3.

23. And the same person shall not hold more than one situation in his own name or in other names. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 4.

24. They are to make good all balances of revenue and Tucavee in consideration of the commission allowed to them. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 5.

25. And to maintain an efficient Police in their jurisdictions, except in cities, towns and large Gunjes. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 6.

26. Are to give security approved by the Board to the amount of the largest Kist. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 7.

27. But no further security is to be required from them for the money or accounts in their charge. *Ced. Prov.* 1803 *R.* 33. § 2. *C.* 2.

28. And may be dismissed, on report to the Board, for falling in arrear one whole Kist. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 8.

A. D. 1805 29. The Pundits at Jugunnaut may punish the officers of the temple, for misconduct, by fine not exceeding one month's salary, or suspension from office, reporting it to the Collector; who shall deduct the fine from the offender's salary, and report the suspension to the Board of Revenue or to the Governor-General in Council, according as the case may be. *Beng.* 1806 *R.* 4. § 16.

30. And shall deliver over to the Police officers, persons guilty of any offence appearing to require greater punishment. *Beng.* 1806 *R.* 4. § 18.

31. The Collector may impose fines not exceeding one month's salary, on the officers, for misconduct; but the party may apply for redress to the Board. *Beng.* 1806 *R.* 4. § 20.

32. Any deviation from the restriction regarding fees at the temple of Jugunnaut shall subject the officer to dismission, on proof to the satisfaction of the Board, or of Government if the case require a reference. *Beng.* 1806 *R.* 4. § 6.

IV.

IV. COMMERCIAL DEPARTMENT.

1. Native officers under the Collectors of Customs, and the Commercial and Salt Agents, are amenable to the Civil Court for acts done officially in opposition to a Regulation. *Beng.* 1793 *R.* 3. § 10. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 7. A. D. 1793

2. And may be sued for damages for any breach of the Regulations respecting the coin. *Beng.* 1793 *R.* 35. § 28. *Ced. Prov.* 1803 *R.* 45. § 52.

3. Head native officers under a Salt Agent shall be dismissed and cast in damages for using compulsion for the manufacture. *Beng.* 1793 *R.* 29. § 5. *C.* 1.

4. And inferior officers under an Assistant or head officer. *Beng.* 1793 *R.* 29. § 5. *C.* 2.

5. Head officers of Arungs are answerable for the compulsion used by their under officers, unless without their knowledge, and unless they redressed the injury on obtaining knowledge of it. *Beng.* 1793 *R.* 29. § 5. *C.* 2.

6. They shall be dismissed and fined four times the amount, if convicted of receiving perquisites &c. *Beng.* 1793 *R.* 29. § 12.

7. And forfeit double the value of salt illegally disposed of, or made with their connivance, and double the value of embezzlements, and of false balances in their accounts; besides imprisonment not exceeding twelve months, and the penalty of being declared incapable of serving Government. *Beng.* 1793 *R.* 29. § 15.

8. Head officers may be sued for giving protection to persons not actually employed in the manufacture. *Beng.* 1793 *R.* 29. § 20. *C.* 10.

9. Officers, not immediately reporting seizures of salt, are liable to dismission and suit for damages. *Beng.* 1793 *R.* 30. § 5. *C.* 2. Re-enacted 1801 R. 6 § 16

10. And are liable to a suit for damages for seizing salt which the Board of Trade may deem improperly seized. *Beng.* 1793 *R.* 30. § 10. ditto § 21

11. Native officers of the Manjee Custom-house, exacting fees, or unauthorized duties, shall be dismissed and fined not more than six months salary, on proof to the satisfaction of the Board of Trade. *Beng.* 1793 *R.* 42. § 16. Rescinded 1801 R. 11 § 1

12. All native officers, employed in the provision of the Company's investment, convicted in the Dewannee Adaulut of changing or embezzling the cloths, taking money to

A. D. 1793 connive at the alienation of them, writing falſe balances, or exacting money from weavers, ſhall forfeit double the amount proved, and may be impriſoned not more than twelve months, and declared incapable of ſerving Government. *Beng.* 1793 *R.* 31. § 13. *Ced. Prov.* 1803 *R.* 37. § 13. ext. *Ben.* 1805 *R.* 4. § 2.

13. Head officers of Arungs under a Commercial Agent may be ſued in the Civil Courts for giving protection to perſons not actually employed in the inveſtment. *Beng.* 1793 *R.* 31. § 10. *C.* 10. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 10. ext. *Ben.* 1805 *R.* 4. § 2.

14. And for uſing compulſion to make weavers enter into the Company's employ, or inſerting improperly any names in the liſt of regiſtered weavers: alſo for exactions &c. *Beng.* 1793 *R.* 31. § 16. *Ced. Prov.* 1803 *R.* 37. § 16. ext. *Ben.* 1805 *R.* *R.* 4. § 2.

A. D. 1795 15. Native officers of Benares Cuſtom-houſes are to be fined by the Collector, reporting it to the Board of Trade, twenty Rupees the firſt time, and diſmiſſed the ſecond time, for irregularities in granting Ruwanas. *Ben.* 1795 *R.* 3. § 4. *Ced. Prov.* 1803 *R.* 38. § 7.

16. They are to be fined a ſum equal to the owner's loſs, under a ſimilar report to the Board, or ſued in damages, for detaining goods longer than a day for examination. *Beng.* 1795 *R.* 3. § 5. *Ced. Prov.* 1803 *R.* 38. § 8.

17. And are liable to a fine of treble the exaction, and to diſmiſſion, or to damages, for collecting any unauthorized duties &c. *Ben.* 1795 *R* 3. § 12.

18. The Darogha is anſwerable to make reſtitution, and is liable to diſmiſſion, for the acts of the inferior officers, except the Munſif and Tehvildar; and may take Mochulkas from them; and may remove them, notifying it to the Collector. *Ben.* 1795 *R.* 3. § 14.

19. And ſending to the Collector a liſt of the officers employed by him. *Ben.* 1795 *R.* 3. § 15.

20. The Darogha may recover by ſuit, from ſuch inferior officers, the penalty in which he may have been amerced on their account; and inferior officers may be alſo diſmiſſed by the Collector or Board. *Ben.* 1795 *R.* 3. § 14.

A. D. 1797 21. Native officers of Cuſtom-houſes ſhall be diſmiſſed on proof to the ſatisfaction of the Board of Trade, if they fix their ſeal or ſignature to a Ruwana not written on the preſcribed ſtampt paper. *Beng. Ben.* 1797 *R.* 6. § 24. *C.* 4.

22.

22. Native officers of an opium Agent, convicted in a Civil Court of receiving perquisites &c. shall pay four times the amount and be dismissed. *Beng. Ben.* 1799 *R.* 6. § 7. A. D.

23. Making use of unsealed scales or uneven scales though sealed, may be fined by the Magistrate. *Beng. Ben.* 1799 *R.* 6. § 8.

24. Salt officers, making unnecessary delay in forwarding the required report of salt seizures, shall be dismissed; and may be sued by the proprietor for damages if the salt be not confiscated. *Beng.* 1801 *R.* 6. § 16. A. D. 1801

25. Releasing a seizure without orders from the Agent or Board, shall be dismissed and fined 250 Rupees per hundred Maunds. *Beng.* 1801 *R.* 6. § 17.

26. Seizing salt which the Board of Trade may deem improperly seized, are liable to a suit for damages. *Beng.* 1801 *R.* 6. § 21.

27. Obtaining salt illegally from the manufacturer, shall be fined 500 Rupees per hundred Maunds, and imprisoned not more than twelve months. *Beng.* 1801 *R.* 6. § 30.

28. Receiving perquisites &c. shall pay four times the amount, and be imprisoned not more than twelve months. *Beng.* 1801 *R.* 6. § 31. *C.* 1.

29. The Daroghas of salt Chokees, conniving at smuggling, shall, besides dismission and forfeiture of security, be fined 250 Rupees per hundred Maunds; and, if absent without leave, shall be subject to the same penalties for the connivance proved against the person to whom they may have left the charge. *Beng.* 1801 *R.* 6. § 28.

30. Mohurers of Chokees, unless absent with leave, shall pay a penalty of eight Annas per Maund, when the Daroghas are convicted. *Beng.* 1801 *R.* 6. § 31. *C.* 3.

31. Native officers of Custom-houses, collecting more than the established town duties, may be fined by the Custom-master in a sum not exceeding six months' salary. *Beng. Ben.* 1801 *R.* 10. § 28. *Ced. Prov.* 1805 *R.* 6. § 35.

32. Also for collecting more than the established Government duties. *Beng.* 1801 *R.* 11. § 19. *Ced. Prov.* 1804 *R.* 11. § 31.

33. Permitting their seal of office to go out of their possession, they shall be fined twenty Rupees for the first offence, and be dismissed for the second. *Beng.* 1801 *R.* 11. § 13. *C.* 6. *Ced. Prov.* 1804 *R.* 11. § 26. *C.* 6.

34. Native officers under the Collectors of Customs and Commercial Residents shall be liable to dismission and suit for damages, for seizing or detaining salt without the official authority of the Collector or Agent. *Beng.* 1801 *R.* 6. § 11. *C.* 7.

A. D. 1803 Rescinded 1804 R. 6 § 1

35. Any native officer in the Ceded Provinces, purchasing directly or indirectly salt at the public sales, shall, on conviction, be dismissed from office, and forfeit to Government the salt so purchased by him. *Ced. Prov.* 1803 *R.* 39. § 19.

NAZIM OF BENGAL.

A. D. 1793

1. If in any suit in a Civil Court, it should appear from the application of the Nazim, or of the defendant, before answer, or from the plaint, that both parties are relations or servants of the Nazim, or widows or female descendants of former Nazims, the parties shall be referred to the Nazim or to any person whom he may appoint to dispense justice; if the defendant only be a servant of the Nazim, the Court may refer the cause, or try it in ordinary course paying all due attention to the dignity and rights of the Nazim: but if either party prefer the jurisdiction of the Court, the cause shall be tried in ordinary course. *Beng.* 1793 *R.* 16. § 10.

A. D. 1805

2. All references, under Section 10, Regulation 16 of 1793, and all applications from the judicial officers to the Nazim, shall be transmitted through the channel of the Superintendent of Nizamut affairs. *Beng.* 1805 *R.* 19. § 2.

3. And all applications from Collectors of Revenue or Customs or any other public officer. *Beng.* 1805 *R.* 19. § 3.

4. Such application may be either in a Persian letter addressed to the Nazim under the officer's signature and forwarded under an unsealed envelope to the Superintendent of Nizamut affairs; or may be stated in an English letter to the Superintendent, who will communicate it to the Nazim and transmit his answer to the officer. *Beng.* 1805 *R.* 19. § 4.

5. In written applications, a prescribed form of address is to be observed. *Beng.* 1805 *R.* 19. § 5.

6. Applications to the Munee Begum, Bubbo Begum, Waledeh Begum, or the brothers and brothers-in-law of the Nazim, are to be in the same form and forwarded through the Superintendent. *Beng.* 1805 *R.* 19. § 6.

7. Should any application appear to the Superintendent to be liable to objections either in tenor or form, he may delay the communication, and report the circumstance to the Governor General in Council, who will pass such orders on the subject as may appear requisite. *Beng.* 1805 *R.* 19. § 7.

A. D. 1806

8. A form of address is prescribed for letters addressed by any public officer to the Munee Begum and Bubbo Begum. *Beng.* 1806 *R.* 16. § 2.

9. Public officers, having occasion to address any of the other branches of the Nuwab's family, shall apply to the Superintendent of Nizamut affairs for the proper form of address. *Beng.* 1806 *R.* 16. § 3. A. D. [illegible]

10. All applications to any member of the Nuwab's family shall be forwarded through the Superintendent of Nizamut affairs. *Beng.* 1806 *R.* 16. § 4.

11. All letters addressed to the Nuwab, or to any branch of his family, shall be sent through the Superintendent of Nizamut affairs in an open envelope bearing the private seal of the writer, or his name written in the Persian character. *Beng.* 1806 *R.* 16. § 5.

NEGLECT OR BREACH OF DUTY.

I. *JUDICIAL DEPARTMENT.*

1. In any case not provided for in the Regulations, if it should appear that a Zilla or City Judge is guilty of misconduct or negligence in his duty, the Provincial Court of Appeal shall report the circumstances to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 5. § 10. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 10. A. D. 1793 Modified 1801 R. 2 § 7

2. Also if he disobey or neglect to execute, or make false return to, a process of the Provincial Court of Appeal; and, in this case, the Sudder Dewannee Adaulut may suspend the Judge, reporting all proceedings to the Governor General in Council within ten days. *Beng.* 1793 *R.* 5. § 15. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 15.

3. The Sudder Dewannee Adaulut may proceed similarly in cases of disobedience &c. to their own processes, in Judges of the Provincial Courts of Appeal or of Zillas and Cities. *Beng.* 1793 *R.* 6. § 13. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R* 5. § 13.

4. Pleaders in Civil Courts may be fined, as far as 100 Rupees, by the Court, for disrespect. *Beng.* 1793 *R.* 7. § 16. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10 § 15.

5. And, fifty Rupees, for being absent (a first time) without giving notice. *Beng.* 1793 *R.* 7. § 32. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 30.

6. Shall be suspended, (reporting it in one month to the Sudder Dewannee Adaulut) for promoting litigious suits, for frauds, or for gross misbehaviour: and that Court may either dismiss the offender, or fine him and permit him to resume his practice. *Beng.* 1793 *R* 7. § 17. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 16.

A. D. 1793

7. Shall be dismissed for refusing to plead after receipt of the retainer. *Beng.* 1793 *R.* 7. § 7. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 6.

8. For wilfully delaying the suit for their own advantage; with similar suspension of the Vakeel, and report of the case to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 7. § 18. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 17.

9. For demanding or accepting any thing besides the authorized fees; also with similar suspension and report. *Beng.* 1793 *R.* 7. § 19. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 18.

10. For incapacity or misconduct in their public duty, or gross profligacy or misbehaviour in their private conduct. *Beng.* 1793 *R.* 7. § 22. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 21.

11. For being absent a second time without giving notice. *Beng.* 1793 *R.* 7. § 32. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 30.

12. And may be prosecuted by the client for any breach of the Regulations, and for any fraudulent or bad practices in the suit. *Beng* 1793 *R.* 7. § 31. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 29.

13. In case of incapacity, and for acts subjecting a pleader to dismission, the Court is to suspend him and transmit all proceedings to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 7. § 22. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 21.

14. The Courts of Circuit are to report to the Nizamut Adaulut, incapacity, misconduct, or profligacy of private conduct, in the Cazees and Muftees. *Beng.* 1793 *R.* 9. § 60. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 29.

Modified 280. R. 2 § 14

15. Also neglect of duty, misconduct, and disobedience to orders, in Magistrates. *Beng.* 1793 *R.* 9. § 63. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 30.

Modified 280. R. 2 § 7 & 14.

16. The Civil and Criminal Courts are to report to the Sudder Dewannee or Nizamut Adaulut neglect of duty, or misconduct, other than corruption, in their Registers and Assistants. *Beng.* 1793 *R.* 13. § 10. ext. *Ben.* 1795 *R.* 12 § 2. *Ced. Prov.* 1803 *R.* 12. § 13.

17. If a Pergunna Cazee connive at unfair practices in the appraisement or sale of distrained property, the Court shall cause him to make good any loss or injury sustained by the defaulter, and shall report the case to the Sudder Dewannee Adaulut for the information of the Governor General in Council. *Beng.* 1793 *R.* 17. § 23. *Ben.* 1795 *R.* 45. § 21. *Ced. Prov.* 1803 *R.* 28. § 21.

18.

18. If he purchase any of the distrained property, the Court shall cause him to restore it or its full value, and shall report the case to the Sudder Dewannee Adaulut for the information of the Governor General in Council. *Beng.* 1793 *R.* 17. § 24. *Ben.* 1795 *R.* 45. § 22. *Ced. Prov.* 1803 *R.* 28. § 22.

19. The Cazees of Cities and Pergunnas may be sued for any undue practice in the discharge of the duties prescribed to them by a Regulation. *Beng.* 1793 *R.* 39. § 11. ext. *Ben.* 1795 *R.* 49 § 3. *Ced. Prov.* 1803 *R.* 46. § 11.

20. Zilla and City Judges and Provincial Courts of Appeal are to report to Government whenever they deem a Pergunna Cazee to be incapable, or guilty of public misconduct or private profligacy. *Beng.* 1793 *R.* 39. § 6. *C.* 1. ext. *Ben.* 1795 *R.* 49 § 3. *Ced. Prov.* 1803 *R.* 46. § 6. *C.* 1.

21. And the Cazee-ul-Cuzat is to report similarly. *Beng.* 1793 *R.* 39. § 6. *C.* 2. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 6. *C.* 2.

22. If a Police Darogha apprehend any person or do any official act which shall not be inserted or truly stated in his monthly report, the Magistrate shall suspend him and report the circumstances to the Governor General in Council. *Beng.* 1793 *R.* 22. § 21. *Ben.* 1795 *R.* 17. § 19 *Ced. Prov.* 1803 *R.* 35. § 20.

23. Police officers may be prosecuted criminally before the Court of Circuit, or for damages in the Civil Courts, if guilty of any act repugnant to the Regulations. *Beng.* 1793 *R.* 22. § 22 *Ben.* 1795 *R.* 17. § 20. *Ced. Prov.* 1803 *R.* 35. § 21.

24. And Kotwals of cities. *Beng.* 1793 *R.* 22 § 38. *Ben.* 1795 *R.* 17. § 35.

25. Kotwals of cities are to report to the Magistrates every instance of negligence or misconduct in the officers under them. *Beng.* 1793 *R.* 22. § 29. *Ben.* 1795 *R.* 17. § 26.

26. When a Magistrate deems a Police Darogha guilty of any misconduct, he may suspend him, appointing a person to officiate pro tempore, and reporting the grounds of his suspension to the Governor General in Council. *Beng.* 1793 *R.* 22. § 6.

27. Landholders are to dismiss from their stations, on requisition of the Magistrate, village watchmen guilty of neglect of duty. *Beng.* 1793 *R.* 22. § 14. *Ben.* 1795 *R.* 17. § 14. *Ced. Prov.* 1803 *R.* 35. § 14.

28. Police Darogha's are to be dismissed for inserting in letters sent on the public service any matter not relating to the public service. *Beng.* 1793 *R.* 22. § 15.

29. Native Commissioners of lawsuits, convicted of enforcing their own decrees, shall be adjudged to pay to the party twice the amount of the decree. *Beng.* 1793 *R.* 40. § 14. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 12.

30.

A. D. 1798 30. Native Record-keepers of the Civil and Criminal Courts shall be dismissed if any documents be destroyed through their negligence, or not forthcoming. *Beng.* 1793 *R.* 18. § 7. *Ced. Prov.* 1803 *R.* 13. § 7.

A. D. 1796 31. Police officers in Benares are responsible for robberies in uninhabited places if they had such knowledge of the circumstances as might have enabled them to prevent it, and in inhabited places if committed through their connivance or from want of care and vigilance on their part. *Ben.* 1795 *R.* 17. § 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 1.

A. D. 1797 32. Pergunna Cazees shall be dismissed for authenticating a deed not on stampt paper; and every public officer, to whom such a deed unstampt is produced, shall report the case to the Governor General in Council. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 6.

Modified 1800 R. 7 § 26 33. Officers of Civil Courts are liable to dismission for filing any unstampt pleading. *Beng. Ben.* 1797 *R.* 6. § 17. *C.* 11. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 9.

ditto 34. Or furnishing an unstampt copy of any judicial paper: and every public officer, to whom such unstampt copy is produced, shall report the case to Government. *Beng. Ben.* 1797 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 15. *C.* 3.

35. Every landholder or farmer of land, convicted of wilful neglect in not preventing or in not affording assistance for the apprehension of offenders, shall be liable to fine or forfeiture of estate, according to the circumstances of the case. *Ben.* 1797 *R.* 2. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 3. *Beng* 1805 *R.* 18. § 7. *C.* 15.

36. When the Magistrate deems a landholder &c. guilty of such neglect, he shall record his judgment and send the proceedings to the Nizamut Adaulut. *Ben.* 1797 *R.* 2. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 4. *Beng.* 1805 *R.* 18. § 7. *C.* 16.

37. Whose judgment, if confirming the forfeiture, shall be submitted to the Governor General in Council. *Ben.* 1797 *R.* 2. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 5. *Beng.* 1805 *R.* 18. § 7. *C.* 16.

38. Tehsildars in places held Kham in Benares are responsible for robberies within their limits, as other Tehsildars. *Beng. Ben.* 1797 *R.* 8. § 3. *Ced. Prov.* 1804 *R.* 3. § 6. *C.* 2.

A. D. 1798 39. Native pleaders, convicted of agreeing with a client to plead a cause for less than the authorized fees, shall forfeit the whole fee to Government, and be dismissed. *Beng. Ben.* 1798 *R.* 5. § 15. *Ced. Prov.* 1803 *R.* 10. § 32.

A. D. 1799 40. Police officers in Silhet, making seizures in the trade to the frontiers, which the Magistrate shall declare to be not liable to confiscation, may be sued for damages by the proprietor. *Beng* 1799 *R.* 1. § 5.

41.

41. Guards, from whose custody convicts escape, shall be dismissed by the Magistrates if found guilty of wilful neglect; and shall be committed for trial before the Court of Circuit, if connivance or further criminality appear. *Beng. Ben.* 1799 *R.* 2. § 6. *Ced. Prov.* 1803 *R.* 8. § 23. A. D. [illegible] Madras 1803 R. [illegible] C. 6

42. Native Commissioners, detaining more than twenty-four hours before transmission to the Judge a tenant arrested for rent, except on the written application and acquiescence of the parties, may be sued for false imprisonment. *Beng.* 1799 *R.* 7. § 15. *C.* 2. *Ben.* 1800 *R.* 5 § 14. *C.* 2. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 2.

43. Pergunna Cazees are liable to dismission, and to the specified penalties, and to full damages, for any collusion and other misconduct regarding distrained property. *Beng.* 1799 *R.* 7. § 5. *Ben.* 1800 *R.* 5. § 5. *Ced Prov.* 1803 *R.* 28. § 20. *C.* 2.

44. Police officers, receiving on unstampt paper any complaint for an offence punishable by the Magistrates, shall be dismissed. *Beng. Ben.* 1800 *R.* 7. § 23. *Ced. Prov.* 1803 *R.* 43. § 23. A. D. 1800

45. Judicial native officers, filing any unstampt paper or giving an unstampt copy of any paper, shall, besides dismission, be liable to a fine of ten times the duty recoverable by summary process in the Civil Court. *Beng. Ben.* 1800 *R.* 7. § 26. *Ced. Prov.* 1803 *R.* 43. § 25.

46. On report of negligence or misconduct in Zilla Judges, under Section 10 Regulation 5, and in Registers &c. of Civil Courts under Section 10, Regulation 13 of 1793, the Sudder Dewannee Adaulut, after necessary inquiry, shall, according to the circumstances, either report the case to the Governor General in Council with all proceedings, or admonish the party, or notice to him his error for his future guidance: the Sudder Dewannee Adaulut is directed to report all cases of wilful neglect, whether reported to the Court or appearing from any papers before the Court. *Beng. Ben.* 1801 *R.* 2. § 7. *Ced. Prov.* 1803 *R.* 5. § 38. A. D. 1801

47. The Nizamut Adaulut is to act similarly on reports of negligence &c. in Magistrates under Section 63, Regulation 9, and in Registers &c. of Criminal Courts under Section 10, Regulation 13 of 1793. *Beng. Ben.* 1801 *R.* 2. § 14. *Ced. Prov.* 1803 *R.* 8. § 24.

48. The Courts of Circuit are to make to the Nizamut Adaulut the same reports of disobedience, neglect, or false return of Magistrates to the process of the Courts of Circuit, which the Provincial Courts of Appeal are required to make to the Sudder Dewannee Adaulut, in the case of Zilla Judges, by Section 15, Regulation 5 of 1793; and the

A. D. 1801 the Nizamut Adaulut shall possess the same powers for suspending Magistrates for false returns to the Circuit Courts or to the Nizamut Adaulut, and Judges of Circuit Courts for false returns to the Nizamut Adaulut, which the Sudder Dewannee Adaulut possess for suspending Judges of Zilla and Appeal Courts. *Beng. Ben.* 1801 *R.* 2. § 14. *Ced. Prov.* 1803 *R.* 8. § 24.

A. D. 1803 49. Police officers, convicted of conniving at the illicit cultivation of opium within their jurisdiction, shall be dismissed, and amerced in the prescribed penalty. *Ced. Prov.* 1803 *R.* 41. § 6.

A. D. 1804 50. Whenever any judicial head native officer shall be deemed guilty of misconduct by the authority on whose establishment he is entertained, the charge shall be communicated to him; and, if his defence should appear unsatisfactory, a copy of all the proceedings shall be transmitted through the prescribed channel of correspondence to the Governor General in Council for his orders: and, in cases of gross misconduct, the officer may be suspended from office and a person appointed pro tempore. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 6.

51. And the Sudder Dewannee or Nizamut Adaulut, in submitting such proceedings (after calling for further information if deemed necessary) shall state their opinion whether there are sufficient grounds for the officer's removal. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 8.

52. And when any native officer receiving a monthly salary of ten Rupees or upwards shall be deemed guilty of misconduct, the proceedings held as above shall be transmitted to the Sudder Dewannee or Nizamut Adaulut, who will pass such order thereon as may be judged proper. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 16.

53. And in cases of gross misconduct, the officer may be suspended, and a person appointed pro tempore; such suspension and appointment being immediately reported to the Court. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 17.

54. Native officers, receiving a monthly salary of less than ten Rupees, may be removed, on proof of misconduct, by the authority on whose establishment they are entertained. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 14.

A. D. 1805 55. Police officers of every description, convicted of any direct connivance at robbery, shall be subject to the penalty of death or of corporal punishment, with imprisonment and transportation for life, according as the crime shall or shall not have been accompanied with homicide or other aggravating act. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 4.

56.

56. And if convicted of conniving at the going forth of a gang, with an intent to commit robbery, shall be liable to corporal punishment and imprisonment of fourteen years or more in the discretion of the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 5. A. D. 1805

57. And to any punishment not extending to life or limb, if convicted of direct connivance at theft, unaccompanied with acts of open violence. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 6.

58. When the Magistrate is of opinion that any Payik in Cuttack should be dismissed from office, for disobedience of orders, neglect of duty, or other misconduct, he shall report the case for the orders of the Nizamut Adaulut. *Beng.* 1805 *R.* 13. § 5.

59. Payiks, and other watchmen, employed by Zemindars in charge of Police, are punishable for neglect of duty, or other misconduct, by fine, imprisonment or removal from office. *Beng.* 1805 *R.* 18. § 7. *C.* 5.

60. Police officers are prohibited, under pain of dismission, from compelling any persons not accustomed to act as bearers, cooleys, or boatmen, to serve on the occasion of any traveller requiring assistance, and from furnishing bullocks or carts not kept for hire, or exclusively appropriated to agriculture. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 8. A. D. 1806

II. *REVENUE DEPARTMENT.*

1. Native officers of a Collector may be fined as far as six months salary, or dismissed by the Collector, or Revenue Board, or Governor General in Council, and be also sued for damages, if they perform any act of authority without the Collector's sanction. *Beng.* 1793 *R.* 2 § 9. *Ben.* 1795 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 25. § 8. A. D. 1793

2. And may be fined daily till attendance, unless satisfactory cause be shown for non-attendance, if they do not attend when required by the Board. *Beng.* 1793 *R.* 2. § 33. ext. *Ben.* 1795 *R.* 5. § 29.

3. The Board of Revenue is vested with the following powers for the investigation and punishment of misconduct by an officer under the Board's authority. *Beng.* 1793 *R.* 2. § 31. *C.* 1. ext. *Ben.* 1795 *R.* 5. § 27.

4. The Board may summon him to Calcutta to explain and justify his conduct, and suspend him from office, reporting it to the Governor General in Council. *Beng.* 1793 *R.* 2. § 31. *C.* 2. ext. *Ben.* 1793 *R.* 5. § 27.

5. And may fine him as far as one month's salary. *Beng.* 1793 *R.* 2. § 31. *C.* 3. ext. *Ben.* 1795 *R.* 5. § 27.

6.

A. D. 1793

6. Such officer may be also sued for damages, in the Civil Court, by the injured party. *Beng.* 1793 *R.* 2. § 31. *C.* 4. ext. *Ben.* 1795 *R.* 5. § 27.

7. Amcens in charge of lands attached for arrears of revenue may be sued for any infringement of the engagements between the proprietor and tenants, and for embezzlement, or injuries done to the estate. *Beng.* 1793 *R.* 14. § 6.

8. Or in charge of lands attached for sale in execution. *Beng.* 1793 *R.* 45. § 7. *Ben.* 1795 *R.* 20. § 7. *Ced. Prov* 1803 *R.* 26. § 21.

9 And any public officer in charge of lands for sale in execution. *Beng.* 1793 *R.* 45. § 8. *Ben.* 1795 *R.* 20. § 8. *Ced. Prov.* 1803 *R.* 26. § 22.

10. Or of lands attached for revenue arrears. *Beng.* 1793 *R.* 14. § 25.

11. Collectors may be fined by the Civil Courts for disobedience to any order or decree of the Court; and if the fine be not paid, the Court shall report the circumstances to the Governor General in Council. *Beng.* 1793 *R.* 14. § 36. *Ben.* 1795 *R.* 6. § 42. *Ced. Prov.* 1803 *R.* 27. § 39.

12. Also for persisting in the requisition of a Putwaree's attendance in unauthorized cases after prohibition by the Court. *Beng.* 1793 *R.* 8. § 62. *C.* 4. *Ben.* 1795 *R.* 27. § 9. *C.* 4. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 3.

13. Cazees, or other public officers, guilty of misconduct in the payment of pensions entrusted to them, are liable to dismission on proof to the satisfaction of the Governor General in Council. *Beng.* 1793 *R.* 24. § 15. *Ben.* 1795 *R.* 34. § 12. *Ced. Prov.* 1803 *R.* 24. § 14. *C.* 1.

14. The native Record-keepers under a Collector shall be dismissed if any documents be destroyed through their negligence, or be not forthcoming. *Beng.* 1793 *R.* 21. § 7. ext. *Ben.* 1795 *R.* 30. § 2. *Ced. Prov.* 1803 *R.* 23. § 7.

15. Officers of public Treasuries shall, on conviction in Court, be dismissed from office, and cast in damages to the complainant, for refusing legal gold money. *Beng.* 1793 *R.* 35. § 3.

16. Or legal silver money. *Beng.* 1793 *R.* 35. § 22. *Ced. Prov.* 1803 *R.* 45. § 27.

17. And shall be dismissed and adjudged to pay a fine for receiving illegal money. *Beng.* 1793 *R.* 35. § 23. *Ced. Prov* 1803 *R.* 45. § 28.

18. Collectors of Revenue, Mint and Assay-masters, and their respective officers, may be sued for damages in Civil Courts for any breach of the Regulations respecting the coin. *Beng.* 1793 *R.* 35. § 28. *Ced. Prov.* 1803 *R.* 45. § 52.

19.

19. And are amenable to the Civil Courts for all official acts done in opposition to a Regulation. *Beng.* 1793 *R.* 3. § 10. ext, *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 7. A. D. 1793

20. Peons serving Dustuks in Benares shall be made to refund double the amount of any exaction, either on complaint to the Collector or on suit in the Civil Court. *Ben.* 1795 *R.* 6. § 7. *Ced. Prov.* 1803 *R.* 27. § 7. A. D. 1795

21. And shall be dismissed and declared incapable of revenue employment for misconduct in serving the Dustuks. *Ben* 1795 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

22. Tehsildars shall be dismissed if the resistance of a landholder be owing to the injustice of the demand of revenue made on him, and such dismission shall be notified by the Collector to the Board. *Ben.* 1795 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

23 Collectors, and officers under a Collector or under the Board of Revenue, are liable to dismission for furnishing an unstampt copy of a revenue paper. *Beng. Ben.* 1797 *R.* 6. § 20. *C.* 1. A. D. 1797 Modified 1800 R. 7 § 16

24. And Collectors for giving Abcaree licenses not on stampt paper. *Beng Ben.* 1797 *R.* 10. § 5. *Ced. Prov.* 1803 *R.* 40. § 27.

25. Tehsildars in Benares, vested by the Collector with discretionary authority to distrain without waiting for his orders, will be held answerable for the justness of the demand, and responsible for any deviation from the Regulations. *Ben.* 1800 *R.* 5. § 22. *Ced. Prov.* 1803 *R.* 27. § 14. *C.* 2. A. D. 1800

26. Revenue native officers, filing any unstampt paper, or giving an unstampt copy of any paper, shall, besides dismission, be liable to a fine of ten times the duty, recoverable by summary process in the Civil Court. *Beng. Ben.* 1800 *R.* 7. § 26.

27. Officers in charge of Khas lands, omitting to insert any new village in the village statements furnished to the Collector, may be fined in the discretion of Government: the Collector is to report such cases to the Board of Revenue, who will submit them with their sentiments to Government. *Beng. Ben.* 1800 *R* 8. § 20 *Ced. Prov.* 1803 *R.* 42. § 40.

28. Public officers of Government, convicted in a Civil Court of refusing to receive payment of the fractional part of a Rupee in copper coin, shall be dismissed from office and condemned in costs and damages. *Ced. Prov.* 1803 *R.* 45. § 50. A. D. 1803

29. Whenever any revenue head native officer shall be deemed guilty of misconduct by the authority on whose establishment he is entertained, the charge shall be communi- A. D. 1084

A. D. 1804 cated to him; and if his defence ſhould appear unſatisfactory, a copy of all the proceedings ſhall be tranſmitted through the preſcribed channel of correſpondence to the Governor General in Council for his orders: and in caſes of groſs miſconduct, the officer may be ſuſpended from office, and a perſon appointed pro tempore. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 6.

30. And the Board of Revenue, in ſubmitting ſuch proceedings (after calling for further information if deemed neceſſary), ſhall ſtate their opinion whether there are ſufficient grounds for the officer's removal. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 8.

31. And when any native officer, receiving a monthly ſalary of ten Rupees or upwards, may be deemed guilty of miſconduct, the proceedings, held as above, ſhall be tranſmitted to the Board of Revenue, who will paſs ſuch order thereon as may be judged proper. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 16.

32. And, in caſes of groſs miſconduct, the officer may be ſuſpended, and a perſon appointed pro tempore; ſuch ſuſpenſion and appointment being immediately reported to the Board. *Beng. Ben. Ced. Prov.* 1805 *R.* 5. § 17.

33. Native officers, receiving a monthly ſalary of leſs than ten Rupees, may be removed, on proof of miſconduct, by the authority on whoſe eſtabliſhment they are entertained. *Beng. Ben. Ced. Prov* 1805 *R.* 5. § 14.

A. D. 1805 34. The Pundits at Jugunnaut may puniſh the officers of the temple, for miſconduct, by a fine not exceeding one month's ſalary, or ſuſpenſion from office, reporting it to the Collector; who ſhall deduct the fine from the offender's ſalary, and report the ſuſpenſion to the Board of Revenue or to the Governor General in Council according as the caſe may be. *Beng.* 1806 *R.* 4. § 16.

35. And ſhall deliver over, to the Police officers, perſons guilty of any offence appearing to require any greater puniſhment. *Beng.* 1806 *R.* 4. § 17.

36. The Collector may impoſe fines, not exceeding one month's ſalary, on the officers, for miſconduct; but the party may apply for redreſs to the Board. *Beng.* 1806 *R.* 4. § 20.

37. Any deviation from the reſtrictions regarding fees at the temple of Jugunnaut ſhall ſubject the officers to diſmiſſion, on proof to the ſatisfaction of the Board, or of Government if the caſe require a reference. *Beng.* 1806 *R.* 4. § 6.

38. The Superintendent of ſtamps, or any officer under him, ſhall be diſmiſſed and held reſponſible for the duty, if he iſſue any ſtampt paper without the preſcribed authentication. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 2.

39. The Collector or other officer, intrusted with the sale of stampt paper, and their respective Agents, shall be liable to dismission and a penalty of ten times the duty, if they sell any stampt paper without the prescribed authentication. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 9. A. D. 1806

III. *COMMERCIAL DEPARTMENT.*

1. Salt Agents, using compulsion on Molungees or Byoparies to engage in the manufacture, are liable to damages on suit in Court. *Beng.* 1793, *R.* 29. § 4. A. D. 1793

2. Also Assistants and head native officers for compulsion used by themselves. *Beng.* 1793 *R.* 29. § 5. *C.* 1.

3. And for the compulsion used by their inferior officers, unless done without their knowledge and they redressed the injury as soon as known. *Beng.* 1793 *R.* 29. § 5. *C.* 2.

4. Also inferior officers for the compulsion used by them without the knowledge of the Assistants or head officers. *Beng.* 1793 *R.* 29. § 5. *C.* 2.

5. And Contractors, Molungees or Byoparies, using compulsion on salt laborers. *Beng.* 1793 *R.* 29. § 6.

6. Salt Agents may be sued, if they apply any of the rules respecting summons and warrants to persons not bonâ fide employed by them. *Beng* 1793 *R.* 29 § 20. *C.* 10.

7. Also Commercial Agents. *Beng* 1793 *R.* 31. § 10. *C.* 10. *Ced. Prov.* 1803 *R.* 37 § 10. *C.* 10. ext. *Ben.* 1805 *R.* 4 § 2.

8. Native officers under a Salt Agent, if convicted of embezzlement &c. shall forfeit double the amount, and be imprisoned for not more than twelve months. *Beng.* 1793 *R* 29. § 15.

9. Also native officers under a Commercial Agent *Beng.* 1793 *R.* 31. § 13. *Ced. Prov.* 1803 *R.* 37. § 13. ext. *Ben.* 1805 *R.* 4. § 2.

10. Officers under a Salt Agent or under the Board of Trade, omitting, or unnecessarily delaying, to forward the required report of salt seizures, may be sued by the proprietor and dismissed from office, and shall forfeit all reward for the seizure. *Beng.* 1793 *R.* 30. § 5. *C.* 2. Re-enacted 1801 *R.* 6 § 16

11. If the Board of Trade determine, that any seized salt is not liable to seizure, the Agent or officers who seized it may be sued for damages by the proprietor. *Beng.* 1793 *R.* 30. § 10. ditto § 21

12.

A. D. 17 8 12. Commercial Agents &c. and their respective officers may be sued for damages in Civil Courts for any breach of the Regulations respecting the coin. *Beng.* 1793 *R.* 35. § 28. *Ced. Prov.* 1803 *R.* 45. § 52.

13. And are amenable to the Civil Courts for all official acts done in opposition to a Regulation. *Beng.* 1793 *R.* 3. § 10. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 7.

Rescinded 1800 R. 11 § 8 14. The Board of Trade may fine, as far as six months salary, native officers of the Manjee Custom-house, and dismiss them (besides restitution of the amount exacted) on conviction of levying more than the authorized duties. *Beng.* 1793 *R* 42. § 16.

A. D. 1795 15. Native officers of the Benares Custom-house may be fined by the Collector twenty Rupees for the first offence, and dismissed for a repetition of any irregularities in Ruwanas: and the Collector shall report the case to the Board of Trade. *Ben.* 1795 *R.* 3. § 4 *Ced. Prov.* 1803 *R.* 38. § 7.

16. They may be also fined, in a sum equal to the loss incurred for detaining goods more than a day; a similar report being made to the Board: but complainants, not satisfied with the Collector's decision, may apply to the Civil Court. *Ben.* 1795 *R.* 3. § 5. *Ced. Prov.* 1803 *R.* 38 § 8.

17. They may also be fined in a sum equal to treble the amount of undue exactions, and may be dismissed: but the complainant, if the Collector do not give immediate redress, may apply to the Civil Court. *Ben.* 1795 *R.* 3. § 12.

18. Daroghas are liable to restitution and dismission by order of the Collector or Board for the exactions of their inferior officers; from whom they may recover what they shall have been amerced for them, and whom they may remove from office, reporting it to the Collector, except the Mushrif and Tehvildar who are responsible for their own acts; and the Collector or Board may order the dismission of any inferior officer convicted of exactions. *Ben.* 1795 *R.* 3. § 14

19. The pilot of a licensed salt ship may be fined five Rupees for not transmitting the report delivered to him by the master of a licensed salt ship. *Ben.* 1795 *R.* 52. § 16.

A. D. 1797 20. Officers of Customs are liable to dismission for granting unstampt Ruwanas. *Beng. Ben.* 1797 *R.* 6. § 24. *C.* 4.

21. Any public officer, to whom an unstampt Ruwana shall be produced, is to report the case to the Board of Trade for the information of the Governor General in Council. *Beng. Ben.* 1797 *R.* 6. § 24. *C.* 4.

22.

22 Opium Agents or their officers, using scales and weights not sealed by the Magistrate, or uneven scales and incorrect weights although sealed, may be fined by the Magistrate. *Beng. Ben.* 1799 *R.* 6. § 8. A. D. 1799

23. Officers of Government, improperly seizing salt as adulterated, may be cast in full damages for all loss and expense to the proprietor. *Beng. Ben.* 1800 *R.* 4. § 5. A. D. 1800

24. Officers of the stone quarries may be sued for extortion, if they exact any thing beyond the prescribed duty. *Ben.* 1800 *R.* 2. § 9.

25. And may be sued for damages, if they seize stones as contraband without sufficient grounds to warrant suspicion. *Ben.* 1800 *R.* 2. § 12.

26. And may be dismissed and prosecuted criminally for breach of trust, if seizures be made without their participation. *Ben.* 1800 *R* 2. § 11.

27. Police officers, seizing or detaining salt of their own authority, except salt unaccompanied by a Ruwana or Chorchittee, may be dismissed and prosecuted for damages. *Beng.* 1801 *R.* 6. § 11. *C.* 3. A. D. 1801

28. Officers of Collectors, of Custom Masters, and of Commercial Agents, are prohibited, under pain of dismission, from seizing or detaining any salt except by the special authority of their employer. *Beng.* 1801 *R.* 6. § 11. *C.* 7.

29. Police officers and other subordinate officers, omitting or delaying to forward a report of a seizure of salt, may be sued for damages, and dismissed from office, and shall forfeit their share of the reward to Government. *Beng.* 1801 *R.* 6. § 16.

30. Salt officers shall be dismissed and forfeit their share in the reward, and may be sued for damages, if they omit or delay to forward a report of seized salt. *Beng.* 1801 *R.* 6. § 16.

31. Shall be dismissed and made to pay a penalty of 250 Rupees per hundred Maunds, if they release seized salt without orders. *Beng.* 1801 *R.* 6. § 17.

32. May be sued for damages, if salt seized by them be declared by the Board of Trade not liable to confiscation. *Beng* 1801 *R.* 6. § 21.

33. Shall be fined 500 Rupees per hundred Maunds for obtaining salt from the manufacturers in an illegal manner, and imprisoned for twelve months. *Beng.* 1801 *R.* 6. § 30.

34. Daroghas of salt Chokees shall be dismissed and forfeit their securities, and be fined 250 Rupees per hundred Maunds, for connivance at smuggling; or, if absent without

A. D. 1801 out leave, for any ſuch connivance by the perſon left in charge of the Chokee. *Beng.* 1801 *R.* 6. § 28.

35. The Mohurur of a Chokee, unleſs abſent with leave, ſhall be fined eight Annas per Maund when a Darogha is convicted. *Beng.* 1801 *R.* 6. § 31. *C.* 3.

36. Native officers of a city Cuſtom-houſe ſhall be diſmiſſed from office, repay the amount received, and be fined by the Collector as far as ſix months' ſalary, for levying any thing beyond the authorized duties. *Beng. Ben.* 1801 *R.* 10 § 28. *Ced. Prov.* 1805 *R.* 6. § 35.

37. And native officers of a Government Cuſtom-houſe. *Beng.* 1801 *R.* 11. § 19. *Ced. Prov.* 1804 *R.* 11. § 31.

38. Permitting their ſeal of office to go out of their poſſeſſion, they ſhall be fined twenty Rupees for the firſt offence, and be diſmiſſed for the ſecond. *Beng.* 1801 *R.* 11. § 13. *C.* 6. *Ced. Prov.* 1804 *R.* 11. § 26. *C.* 6.

A. D. 1804 39. When any commercial head native officer ſhall be deemed guilty of miſconduct, by the authority on whoſe eſtabliſhment he is entertained, the charge ſhall be communicated to him; and if his defence ſhould appear unſatisfactory, a copy of all the proceedings ſhall be tranſmitted, through the preſcribed channel of correſpondence, to the Governor General in Council for his orders: and, in caſes of groſs miſconduct, the officer may be ſuſpended from office, and a perſon appointed pro tempore. *Beng. Ben. Ced. Prov.* 1804 *R.* 5 § 6.

40. And the Board of Trade, in ſubmitting ſuch proceedings (after calling for further information if deemed neceſſary), ſhall ſtate their opinion whether there are ſufficient grounds for the officer's removal. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 8.

41. And when any native officer, receiving a monthly ſalary of ten Rupees or upwards, may be deemed guilty of miſconduct, the proceedings, held as above, ſhall be tranſmitted to the Board, who will paſs ſuch order thereon as may be judged proper. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 16.

42. And, in caſes of groſs miſconduct, the officer may be ſuſpended, and a perſon appointed pro tempore; ſuch ſuſpenſion and appointment being immediately reported to the Board. *Beng. Ben. Ced. Prov.* 1804 *R* 5. § 17.

43. Native officers, receiving a monthly ſalary of leſs than ten Rupees, may, on proof of miſconduct, be removed, by the authority on whoſe eſtabliſhment they are entertained. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 14.

44.

OATHS.

I. OFFICIAL OATHS.

1. The oath of office, prescribed by act of Parliament, before a Judge of the Calcutta Supreme Court is to be taken by the Collectors of Revenue. *Beng.* 1793 *R.* 2. § 3. *Ben.* 1795 *R.* 5. § 2. *C.* 3. *Ced. Prov.* 1803 *R.* 25. § 2. A. D. 1793 Modified 1804 R. 6 § 25

2. And by each of the four junior Members of the Board of Revenue. 1793 *R.* 2. § 29.

3. An oath of office, in a prescribed form, is to be taken by the Judges of Zillas and cities before the Governor General in Council or any person appointed by him. *Beng.* 1793 *R.* 3. § 3. *Ben.* 1795 *R.* 7 § 3. *Ced. Prov.* 1803 *R.* 2. § 13.

4. By the Magistrates of Zillas and cities. *Beng.* 1793 *R.* 9. § 2. *Ben.* 1795 *R.* 16. § 2. *Ced. Prov.* 1803 *R.* 6. § 2.

5. By the Judges of the Provincial Appeal Courts. *Beng.* 1793 *R.* 5. § 2. *Ben.* 1795 *R.* 9. § 2. *Ced. Prov.* 1803 *R.* 4 § 2.

6. By the Judges of the Circuit Courts. *Beng.* 1793 *R.* 9. § 34. *Ben.* 1795 *R.* 16. § 7 *Ced. Prov.* 1803 *R.* 7. § 5.

7. By a Salt Agent. *Beng.* 1793 *R.* 29. § 2.

8 By the Collector of Customs at Manjee. *Beng.* 1793 *R.* 42. § 3. *C.* 2. Expired

9. And by the Collector of Calcutta customs. *Beng.* 1793 *R.* 42. § 21. *C.* 2.

10. Before the Courts to which they are respectively attached, by the Registers to the Courts of civil judicature, their assistants, and other ministerial officers being covenanted servants of the Company. *Beng.* 1793 *R.* 13. § 3. *C.* 1. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 3. *C.* 1.

11. By the same in their capacity of Register &c. to the Circuit Courts. *Beng.* 1793 *R.* 13 § 3. *C.* 2. *R.* 9. § 35. ext. *Ben.* 1795 *R.* 12. § 2. *R.* 16. § 8. *Ced. Prov.* 1803 *R.* 12. § 3. *C.* 2. *R.* 7. § 6.

12. And Nizamut Adaulut. 1793 *R.* 13. § 3. *C.* 2. *R.* 9. § 70.

13. By the Muhamedan law officers to the Civil Courts, on entering office. *Beng.* 1793 *R.* 12. § 5 *C.* 1. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 5. *C.* 1.

14. And on the 1st January and 1st July of each year. *Beng.* 1793 *R.* 12 § 5. *C.* 2. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 5. *C.* 2.

15.

A. D. 1793

15. By the same in their capacity of law officers to the Circuit Courts. *Beng.* 1793 *R.* 12. § 6. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 6.

16. On entering office. *Beng.* 1793 *R.* 9. § 37. ext. *Ben.* 1795 *R.* 16. § 10. *Ced. Prov.* 1803 *R.* 7. § 8.

17. On the 1st January and 1st July of each year. *Beng.* 1793 *R.* 9. § 38. ext. *Ben.* 1795 *R.* 16. § 10. *Ced. Prov.* 1803 *R.* 7. § 9.

18. Also by the Muhamedan law officers of the Sadder Dewannee Adaulut in their capacity of law officers of the Nizamut Adaulut. 1793 *R.* 12. § 6.

19 A declaration shall be subscribed by the Hindoo law officers of the Civil Courts. *Beng.* 1793 *R.* 12. § 7. ext. *Ben.* 1795 *R.* 11. § 2. *Ced Prov.* 1803 *R.* 11 § 7.

20. An oath is to be taken by the native ministerial officers of the Civil and Criminal Courts. *Beng.* 1793 *R.* 13. § 4. ext. *Ben.* 1795 *R.* 12. § 2. *Ced Prov.* 1803 *R.* 12. § 4.

21. By the native pleaders of Civil Courts on entering office; and, if Muhamedans, on the 1st January and 1st July of each year. *Beng.* 1793 *R.* 7. § 4. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 4.

22. By the pleader of Government. *Beng.* 1793 *R.* 7. § 24. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 23.

23. By the native Commissioners of lawsuits. *Beng.* 1793 *R.* 40. § 7. *C.* 1. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 5. *C.* 1.

24. By the Registers of Zilla and City Courts, as Superintendents of the registry of deeds. *Beng.* 1793 *R.* 36. § 2. ext. *Ben.* 1795 *R.* 28 § 2. *Ced. Prov.* 1803 *R.* 17. § 2.

25. And by Deputies in temporary charge of such registry. *Beng.* 1793 *R.* 36. § 15. ext. *Ben.* 1795 *R* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 15.

Expired

26. The Collector, or Pergunna Cazee, may administer the prescribed oath to the assessors of the Police tax. *Beng.* 1793 *R.* 23. § 14.

27. And to an Ameen deputed to divide landed estates. *Beng.* 1793 *R.* 25. § 13. *C.* 1. ext. *Ben.* 1795 *R.* 26. § 2. *Ced Prov.* 1803 *R.* 26. § 41. *C.* 1.

28. The Ameen so deputed may swear the proprietor to the truth of his accounts. *Beng.* 1793 *R.* 25. § 16. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 45.

29. An Ameen, deputed by a Court for a local investigation, is to be sworn to the due performance of his trust. *Beng.* 1793 *R.* 4. § 17. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 18.

30.

30. The Collector may swear the managers of disqualified landholders to the truth of their annual accounts. *Beng.* 1793 *R.* 10. § 17. *Ced. Prov.* 1803 *R.* 52. § 21. A. D. 1793

31. And the guardian. *Beng.* 1793 *R.* 10. § 26. *Ced. Prov* 1803 *R.* 52. § 30.

32. The oath of office, required from native Commissioners of lawsuits, may be dispensed with, on their signing a declaration, if their rank or cast render an oath improper. *Beng.* 1793 *R.* 40. § 7. *C.* 2. ext. *Ben.* 1795 *R.* 31. § 2. *Ced Prov.* 1803 *R.* 16. § 5. *C.* 2.

33. And the oath to the accounts of the managers of disqualified landholders, with the sanction of the Court of Wards. *Beng.* 1793 *R.* 10. § 17. *Ced Prov.* 1803 *R.* 52. § 21.

34. And of the guardian. *Beng.* 1793 *R.* 10. § 26. *Ced. Prov.* 1803 *R.* 52. § 30.

35. And of the proprietor of an estate under division, depositing to the truth of the accounts. *Beng.* 1793 *R* 35. § 16. ext. *Ben.* 1795 *R.* 26 § 2. *Ced. Prov.* 1803 *R.* 26. § 45.

36. And the oath of the assessors of the Police tax, with the sanction of the Collector. *Beng.* 1793 *R.* 23. § 15. Expired

37. Collectors proceeding in person, or any officer deputed by them, on local investigations, may be commissioned by the Courts to swear the Putwarees. *Beng* 1793 *R.* 8. § 62. *C* 6. ext. *Ben.* 1795 *R.* 27. § 9. *C.* 6. *Ced. Prov.* 1803 *R.* 29 § 2. *C.* 5.

38. But if they require the evidence of Putwarees at the Sudder station, they must apply to the Zilla Court to swear them. *Beng* 1793 *R.* 8. § 62. *C.* 4. *Ben* 1795 *R.* 27. § 9. *C.* 4. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 3.

39. A prescribed oath of office is to be taken by the Collector of Customs in Benares, before the Governor General in Council, or any person appointed by him. *Ben.* 1795 *R.* 5. § 2. *C.* 2. A. D. 1795

40. And by the Collector of Government duties in Calcutta. *Beng.* 1795 *R.* 39. § 3. *C.* 2.

41. Magistrates are required to take the oaths of qualification as Justices of the Peace within six months from their nomination, unless the Nizamut Adaulut should grant an extension of time; but the Nizamut Adaulut shall grant no extension beyond twelve months, without the sanction of the Governor General in Council. *Beng. Ben.* 1796 *R.* 2. § 4. *Ced. Prov.* 1803 *R.* 6. § 19. *C.* 5. A. D. 1796

A. D. 1797 42. A prescribed oath of office is to be taken, before their respective Courts, by the Assistants to the Magistrates. *Beng.* 1797 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 17.

43. Before the Governor General in Council or any person appointed by him, by the Superintendents of the stamp office. *Beng. Ben.* 1797 *R.* 6. § 13.

A. D. 1799 44. By opium Agents. *Beng. Ben.* 1799 *R.* 6 § 2.

A. D. 1801 45. Before the Governor General in Council, by the Judges of the Sudder Dewannee Adaulut. *Beng.* 1801 *R.* 2. § 4.

46. And of the Nizamut Adaulut. *Beng.* 1801 *R.* 2. § 11.

47. Or before any person appointed by him, by the Collector of Calcutta town duties. *Beng.* 1801 *R.* 5. § 2. *C.* 2.

48. By officers in charge of salt Chokees. *Beng.* 1801 *R.* 6. § 11. *C.* 9.

49. By the Collectors of City duties. *Beng. Ben.* 1801 *R.* 10. § 3. *Ced. Prov.* 1805 *R.* 6. § 9.

50. And of Government duties. *Beng. Ben.* 1801 *R.* 11. § 4. *Ced. Prov.* 1804 11. § 11.

A. D. 1802 51. Before the Calcutta Justices by the Surveyor and Deputy Surveyor of European distilleries. *Beng* 1802 *R.* 2 § 8.

A. D. 1803 52 Before the Governor General in Council or any person appointed by him, by Assistant Judges. *Beng. Ben.* 1803 *R.* 49. § 2 *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 12 *C* 1.

53. Before their respective Courts, by head native Commissioners. *Beng. Ben.* 1803 *R.* 49 § 9 *C.* 4. *Ced. Prov.* 1803 *R* 16. § 29. *C.* 4.

54 And by the Munsifs. *Beng. Ben.* 1803 *R.* 49. § 14. *C.* 3. *Ced. Prov* 1803 *R.* 16. § 29. *C.* 3.

55. And by the pleaders appointed to act before Commissioners. *Beng. Ben.* 1803 *R.* 49. § 16. *C.* 3. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 5.

56. The oath of office may be administered to the Collectors of Revenue by any person whom the Governor General in Council may commission. *Ced. Prov.* 1803 *R.* 25. § 3. *Beng. Ben.* 1804 *R.* 5. § 25.

A. D. 1804 57. Government will direct in each case whether the oath of office shall be taken by a Collector before the Supreme Court, or before such other person as the Governor General in Council may commission. *Beng. Ben. Ced. Prov* 1804 *R* 5. § 25.

58. A form is prescribed for the Collector's oath. *Beng. Ben. Ced. Prov.* 1804 *R* 5. § 26.

59. The Governor General in Council may exempt, for such time as he may judge reasonable, any civil servant from subscribing that part of the official oath which restricts him from commercial concerns. *Beng. Ben. Ced. Prov.* 1805 *R.* 7. § 2. A. D. 1805

60. Except when the commercial concerns of such servant are conducted in the Zilla where his official authority extends; or when the Governor General in Council shall be of opinion that his official authority might be employed in aid of his concerns; and, in such cases, he shall either subscribe the oath or be removed from the office. *Beng. Ben. Ced. Prov.* 1805 *R.* 7. § 5.

61. The nature of such concerns, and the places where conducted, shall be stated to the Governor General in Council, who will refer it to the Board of Trade for their report on the period of exemption deemed reasonable. *Beng. Ben. Ced. Prov.* 1805 *R.* 7. § 3.

62. And the nature of such concerns, the places where conducted, and the period allowed, shall be inserted in the oath. *Beng. Ben. Ced. Prov.* 1805 *R.* 7. § 4.

63. The Commissioners, appointed to make a special inquiry into a charge of corruption against an European Revenue or Commercial officer, shall take a prescribed oath before the Governor General in Council or any person authorized by him. *Beng. Ben. Ced Prov.* 1806 *R* 8. § 6. A. D. 1806

64. Also the Commissioners, on a charge against a judicial officer. *Beng. Ben. Ced. Prov* 1806 *R.* 10. § 6.

II. *JUDICIAL OATHS.*

1. The truth of any civil claim is to be examined into by the oaths of the parties, if they mutually consent to that mode. *Beng.* 1793 *R.* 4. § 6 ext. *Ben.* 1795 *R.* 8. § 2 *Ced. Prov.* 1803 *R.* 3. § 6. A. D 1793

2. Prosecutors in criminal charges are to swear to the truth of the charge, and they and their witnesses are to be examined on oath, but the prisoner is not to be required to swear to the truth of his deposition. *Beng.* 1793 *R.* 9. § 5. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 5.

3. Oaths administered to parties, or witnesses, in the Civil Courts, are to be such as are considered most binding on their consciences, according to their respective religions. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

4. Oaths may be dispensed with, if the witness be of such a rank or cast as would make it improper to compel an oath, provided he subscribe a declaration Modified 1803 R. 50 § 2

tion

A. D. 1793 tion to ſpeak the truth; and, if a Muhamedan, a further declaration, after giving teſtimony, in aſſurance of having ſpoken the truth. *Beng.* 1793 *R.* 4 § 6. ext. *Ben.* 1795 *R* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

5. Alſo in Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 19. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4 § 19.

6. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 17. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 17.

7. All other witneſſes, if refuſing to be ſworn, may be fined in a ſum not exceeding 500 Rupees, and committed to cloſe cuſtody, till they conſent to be ſworn. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov* 1803 *R.* 3. § 7.

8. In a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 20. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 20.

9. In the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 18. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 18.

10. Female witneſſes of a rank or quality which would make it improper to compel their appearance in a Court of Juſtice, may be examined on oath by a commiſſion of three creditable women, who ſhall previouſly be ſworn to execute the truſt faithfully. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

11. In Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 19. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 19.

12 In the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 17. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 17.

13. And ſimilarly ſuch female proſecutrixes and witneſſes in Courts of Circuit, if the caſe will admit of it. *Beng.* 1793 *R.* 9. § 48. ext. *Ben.* 1795 *R.* 16 § 22. *Ced. Prov* 1803 *R.* 7. § 16.

14. The Court may commiſſion arbitrators to adminiſter the proper oath to witneſſes, if the arbitration be held at a diſtance from the Court *Beng.* 1793 *R.* 16. § 6. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 6.

Reſcinded 1804 R. 2 § 2 15. The Regulating Officer of invalid T'hanas may adminiſter the proper oaths to inhabitants of T'hanas when ſummoned to give evidence before him. *Beng.* 1793 *R.* 43. § 14.

16. The Court of Wards and Collectors may administer oaths to witnesses &c in suits cognizable by the Court of Wards. *Beng.* 1793 *R.* 10. § 32. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 36. *C.* 2. A. D. 1793

17. An Ameen deputed by a Court for local investigations shall be sworn to a faithful discharge of the trust committed to him. *Beng.* 1793 *R.* 4. § 17. ext. *Ben.* 1795 *R* 8. § 2. *Ced. Prov.* 1803 *R* 3. § 18.

18. A mortgagee in possession shall be required to swear, or if of rank and cast entitling him to exemption from oath shall sign a declaration, to the truth of the accounts of his receipts and disbursements from the mortgaged property. *Beng.* 1793 *R.* 15. § 11. *Ced. Prov* 1803 *R.* 34. § 10.

19. Any person, charging before a Provincial Court of Appeal a Judge of a Zilla or City with corruption, shall swear to the truth of his charge, or sign a declaration if of such rank and cast. *Beng.* 1793 *R.* 5. § 10. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 10. Rescinded 1806 R. 10 § 10

20. Or, before the Sudder Dewannee Adaulut, a Judge of a Zilla, City, or Appeal Court. *Beng.* 1793 *R.* 6. § 8. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5 § 8. ditto

21. Or charging a ministerial officer of a Court. *Beng.* 1793 *R.* 13. § 9. *C.* 1. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 1. ditto

22 And a law officer of a Court. *Beng.* 1793 *R.* 12. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 12 § 8. *C.* 1. ditto

23. The age of a landholder, whose alleged minority is denied, shall be ascertained by the oath of not less than three credible witnesses. *Beng.* 1793 *R.* 10. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 2.

24. And the lunacy, idiotism or other disqualifying natural defect. *Beng.* 1793 *R.* 10. § 5. *C.* 3. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 3.

25. The poverty of a person, wishing to sue or appeal as a pauper, is to be established by his own oath, and the oaths of two witnesses. *Beng.* 1793 *R.* 46. § 2. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 2.

26. Putwarees shall be required to swear to the truth of the accounts which they produce, when deemed necessary. *Beng.* 1793 *R.* 8. § 62. *C.* 6. *Ben.* 1795 *R.* 27 § 9. *C* 6. *Ced. Prov.* 1803 *R.* 20 § 2. *C.* 5.

A. D. 1798

27. Witneſſes, who refuſe to attend or to be ſworn or give evidence, may be compelled by caption, fine and impriſonment, if proved on oath to be material to the cauſe. *Beng.* 1793 *R.* 4. § 5. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

28. A charge againſt a landholder, for reſiſting the proceſs of a Zilla Court, muſt be eſtabliſhed on oath. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23. *C.* 1.

29. Or the proceſs of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23.

30. And of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 24.

31. Or of a Collector. *Beng.* 1793 *R.* 14. § 15. *Ben.* 1795 *R.* 6. § 22. *Ced. Prov.* 1803 *R.* 27. § 22.

32. Againſt farmers for reſiſting the proceſs of a Zilla Court. *Beng.* 1793 *R.* 4. § 21. ext. *Ben.* 1795 *R.* 8 § 2. *Ced. Prov.* 1803 *R.* 3 § 25. *C.* 4.

33. Of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4 § 25.

34. Of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

35. Or of a Collector. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

36. Againſt any other perſon, for reſiſting the proceſs of a Zilla Court. *Beng.* 1793 *R.* 4. § 25. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov* 1803 *R.* 3. § 26.

37. Of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 26. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 26.

38. Of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 27. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 27.

39. Or of a Collector. *Beng.* 1793 *R.* 14. § 21. ext. *Ben.* 1795 *R.* 6. § 28. *Ced. Prov.* 1803 *R.* 27. § 28.

40. Suppoſed vagrants and ſuſpected perſons, and any perſons who have a knowledge of them, are to be examined on oath as to their place of reſidence, occupation and mode of livelihood. *Beng.* 1793 *R.* 22. § 10. *Ben.* 1795 *R.* 17. § 10. *Ced. Prov.* 1803 *R.* 35. § 10.

41.

41. A Provincial Court of Appeal may empower the Register to swear the witnesses whom they direct him to examine. *Beng.* 1793 *R.* 5. § 18. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 18. A. D.

42. And the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 16. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 16.

43. Native commissioners of lawsuits may examine on oath witnesses in causes tried by them. *Beng.* 1793 *R.* 40. § 9. *C.* 11. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 11.

44. The due execution of deeds produced for registering shall be proved on oath before the Register. *Beng.* 1793 *R.* 36 § 9. *C.* 2. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 9. *C.* 2.

45. And, in case of the original being lost, a copy from the registry shall be received in evidence, on proof of the execution of the original being made by the oath of the subscribing witnesses. *Beng.* 1793 *R.* 36. § 17. ext. *Ben.* 1795 *R.* 28. § 2.

46. Collectors may be empowered by the Court to administer the customary oaths to parties and witnesses in cases referred to them regarding revenue claims and accounts of rent *Beng.* 1794 *R.* 8 § 13 ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. A. D. 1794

47. Informations against Brahmens for establishing Koorhs, or being prepared to wound or kill their women or children, in resentment of an injury, are to be made on oath. *Ben.* 1795 *R.* 21. § 2. A. D. 1795

48. Or to prevent the forfeiture of a demand of public revenue. *Ben.* 1795 *R.* 21. § 6.

49. Or for fitting Dhurna *Ben.* 1795 *R.* 21. § 11. *C.* 2. *Beng.* 1797 *R.* 5. § 3. *Ced. Prov.* 1804 *R.* 3. § 9. *C.* 2

50. Oaths, administered to complainants and witnesses among the Bhaugulpoor hill inhabitants, are to be according to their religious persuasion or customs. *Beng.* 1796 *R.* 1. § 3. A. D. 1796

51. The oath of hill chiefs entitled to sit in judgment in the assembly for criminal trials, is to be that which may be considered by them most solemn and binding. *Beng.* 1796 *R.* 1. § 8.

52. A charge against any person for resisting a process of the Magistrate or Police officer must be substantiated on oath. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 1. *Ced. Prov.* 1804 *R.* 3 § 2. *C.* 1.

53. Police officers are required to search any houses, in which by the oath of the parties robbed they may suspect property to be concealed. *Beng. Ben.* 1797 *R.* 14. § 7. A. D. 1797

54.

A. D. 1797 54. At the time of swearing witnesses on criminal prosecutions, a solemn admonition shall be made to them to declare the whole truth and nothing but the truth, and to distinguish what they personally know from what they may have only heard, and to answer all questions without any regard to the parties. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 6. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 5.

A. D. 1800 55. The oath of the party alone shall not be sufficient proof of poverty to entitle him to be supplied with stampt paper gratis by the Civil Courts. *Beng. Ben.* 1800 *R.* 7. § 16 *Ced Prov.* 1803 *R.* 43. § 13. *C.* 8.

56. The Board of Revenue and Collectors may furnish stampt paper gratis to persons declaring on oath their inability to pay the duty and adducing evidence in proof of it. *Beng. Pen.* 1800 *R.* 7. § 25.

A. D. 1802 57. Search warrants, for entering any place and seizing any spirits, stills, &c therein concealed, may be granted on the oath of the surveyor of distilleries upon grounds of suspicion. *Beng.* 1802 *R.* 2. § 29.

58. Fines, forfeitures and penalties with respect to European distilleries may be adjudged on the oath of one credible witness. *Beng.* 1802 *R.* 2. § 32.

A. D. 1803 59. The rules of Section 6, Regulation 4 of 1793, for administering oaths to witnesses, and dispensing with the oaths of witnesses of a certain rank or cast, and punishing witnesses who refuse to swear in civil suits, are equally applicable to the Criminal Courts. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 1. *Ced. Prov.* 1803 *R* 8 § 25. *C.* 1.

60. But the fine shall not be imposed on such witness, unless for persisting in his refusal when called upon a second time after an interval of not less than one day; and he shall remain in jail until payment of the fine, or if the trial be still depending until he consent to give evidence, or for a fixed period of imprisonment under Section 3, Regulation 14 of 1797. *Beng. Ben* 1803 *R.* 50. § 2. *C* 2. *Ced Prov* 1803 *R.* 8. § 25. *C.* 2.

61. All such fines, imposed by a Magistrate, shall be submitted to the Court of Circuit, at the next jail delivery, who shall report to the Nizamut Adaulut whenever they deem a fine to have been imposed on insufficient grounds. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 4. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 4.

62. Trials in Courts of Circuit need not be postponed for the evidence of such recusing witnesses, unless deemed necessary in other respects. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 3. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 3.

63. Magistrates and Courts of Circuit may dispense with the oath of a prosecutor, who may be of such rank and cast as would make it improper to compel an oath, on

his

his subscribing the declaration prescribed in Section 6, Regulation 4 of 1793. *Beng. Ben.* 1803 *R.* 50. § 3. A. D. 1803

64. The person, acting as prosecutor for Government, in charges preferred or prosecutions conducted on the part of Government, shall not be required to swear or to subscribe a declaration to the truth of the charge. *Beng. Ben.* 1803 *R.* 50. § 4. *Ced. Prov.* 1803 *R.* 8 § 25. *C.* 5.

65. The rule of Section 6, Regulation 4 of 1793, for administering to parties and witnesses the oaths most binding on their consciences, is to be observed by the Courts of Circuit. *Beng. Ben.* 1803 *R.* 50. § 2 *C.* 1. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 6.

66 Any other form of oath, besides Ganges water, copper and Toolsee, which may be legal and binding on the party's conscience, and practicable or convenient, may be used in the case of a Hindoo who objects to the Ganges water &c. except oaths of the nature of ordeals and which rest the witness's credibility on the contingency of evil to him or his family. *Beng. Ben* 1803 *R* 50 § 5. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 6.

67. Courts are not to dispense with the oath of any witness, whose rank in life is not really such as to make it improper to require an oath. *Beng. Ben.* 1803 *R.* 50. § 6. *Ced. Prov* 1803 *R.* 8. § 25. *C.* 7.

68. Female witnesses of a rank or call, which would make it improper to compel their appearance in public, shall be sworn in suits before native Commissioners according to Section 6, Regulation 4 of 1793. *Beng. Ben.* 1803 *R.* 49. § 18. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 9. *C* 5.

III. *IN MATTERS OF THE CUSTOMS.*

1. The Master or Supercargo of every vessel, importing at Calcutta, is to swear to the truth of his manifest before one of the Judges of the Supreme Court. *Beng.* 1793 *R.* 42 § 23. *C.* 2. A. D. 1794 Rescinded 1795 *R.* 3. § 4

2. According to a prescribed form. *Beng.* 1793 *R.* 42. § 23. *C.* 1. ditto

3. And of all vessels under foreign colours. *Beng.* 1793 42. § 27. *C.* 4. ditto

4. The owners of cargoes imported in China and Macao ships are to deliver on oath their account sales. *Beng.* 1793 *R.* 42. § 27. *C.* 10. ditto

5. Import duties on unsold goods re-exported shall be returned, on the identity of the goods being established by the affidavit of the importer. *Beng.* 1793 *R.* 42. § 58. *C.* 1. Rescinded 1795 *R.* 29 § 2

A. D. 1795

6. The Master or Supercargo of every vessel importing at Calcutta is to swear to the truth of his manifest before one of the Judges of the Supreme Court, or one of the Calcutta Justices of the Peace. *Beng.* 1795 *R.* 39. § 4. *C.* 5.

Re-enacted 1800 R. 11 § 4 C. 6

7. According to a prescribed form. *Beng.* 1795 *R.* 39. § 4. *C.* 4.

8. And of all vessels under foreign colours. *Beng.* 1795 *R.* 39. § 5. *C.* 4.

Modified 1804 R. 11 § 4 C. 7

9. The owners of cargoes imported in Macao ships are to deliver on oath their account sales. *Beng.* 1795 *R.* 39. § 5. *C.* 12.

10. A Rawanna in Benares may be renewed or subdivided on proof of the identity of the goods by the oath of the owner or otherwise. *Ben.* 1795 *R.* 3. § 6. *Beng.* 1800 *R.* 11. § 15. *C.* 1 & 12 *Ced. Prov.* 1804 *R.* 11. § 28. *C.* 1 & 12.

A. D. 1800

11. The Master or Supercargo is not required to swear to the prime cost of the goods imported on their vessels. *Beng.* 1800 *R.* 11. § 4. *C.* 1.

12. And a form is prescribed for the oath to the truth of their manifests. *Beng.* 1800 *R.* 11. § 4. *C.* 6.

13. The account sales of the cargoes of Macao ships need not be delivered on oath. *Beng.* 1800 *R.* 11. § 4. *C.* 7.

14. The officers of the Company's ships must severally swear to the manifests of their own goods. *Beng.* 1800 *R.* 11. § 3. *C* 4.

O P I U M.

I. *PROVISION BY CONTRACT* (Expired.)

A. D. 1793

1. The terms of the opium contract are enacted into a Regulation. *Beng.* 1793 *R.* 32. § 1. *Ben.* 1795 *R.* 32. § 1.

2. The contract is for four years from 1st September 1793. *Beng.* 1793 *R.* 32. § 2. *C.* 3. *Ben.* 1795 *R.* 32. § 2. *C.* 2.

3. Advances to the Contractor, and by him to the Rayats, are to be in Sicca Rupees. *Beng.* 1793 *R.* 32. § 2. *C.* 4. *Ben.* 1795 *R.* 32 § 2. *C.* 5.

4. The stipulated deliveries on the contract are 6400 Maunds of Behar, and 1580 Maunds of Bengal opium; and on all above that quantity, an additional allowance of fifty Rupees per chest. *Beng.* 1793 *R.* 32. § 2. *C.* 5. *Ben.* (1200 Maunds) 1795 *R.* 32. § 20. *C.* 4.

5. Disputes, respecting the quality, are to be decided by three creditable persons chosen by Government. *Beng.* 1793 *R.* 32. § 2. *C.* 6. *Ben.* 1795 *R.* 32. § 2. *C.* 6. A. D. 1799

6. Deficient deliveries (unless arising from calamity of season reported to the Collector within five days) subject the Contractor to a penalty of 300 Rupees per chest, besides a return of advances. *Beng.* 1793 *R.* 32. § 2. *C.* 7. *Ben.* 1795 *R.* 32. § 2. *C.* 7.

7. Opium is to be delivered in Calcutta, at the Contractor's expense, at the office of the Board of Trade. *Beng.* 1793 *R.* 32. § 2. *C.* 8. *Ben.* 1795 *R.* 32. § 2. *C.* 9.

8. Under a penalty of 750 Rupees for every chest sold to any other person. *Beng.* 1793 *R.* 32. § 2. *C.* 9. *Ben.* 1795 *R.* 32. § 2. *C.* 8.

9. Duties to the Raja of Benares are to be paid on opium imported by the Contractor from the Vizir's dominions. *Beng.* 1793 *R.* 32. § 2. *C.* 10. *Ben.* 1795 *R.* 32. § 2. *C.* 10.

10. The Contractor is to have the use of the Company's buildings, on condition of repairing them, and delivering them in the same state. *Beng.* 1793 *R.* 32. § 2. *C.* 11.

11. Government will take measures to prevent smuggling and illicit traffic in opium. *Beng.* 1793 *R* 32. § 2. *C.* 27.

12. The Contractor is amenable to the Courts of Judicature, and may sue therein; and all such causes shall be tried in preference to other suits. *Beng.* 1793 *R.* 32. § 2. *C.* 12. *Ben.* 1795 *R.* 32. § 2. *C.* 23.

13. He shall be amenable for the acts of his Agents and for decrees which may be given against them. *Beng.* 1793 *R.* 32. § 2. *C.* 12. *Ben.* 1795 *R.* 32. § 2. *C.* 23.

14. All points, not provided for, are to be decided by the Judge equitably. *Beng.* 1793 *R.* 32. § 2. *C.* 26.

15. The Contractor is to pay specified prices to the opium Rayats. *Beng.* 1793 *R* 32. § 2. *C.* 14. *Ben.* 1795 *R.* 32. § 2. *C.* 12.

16. According to a table of rates for the different Pergunnas. *Beng.* 1793 *R.* 32. § 2. *C.* 16.

17. And not levy cesses under pain of refunding the amount with a treble penalty. *Beng.* 1793 *R.* 32. § 2. *C.* 15.

18.

A. D. 1793 18. Nor Tulubana &c. under a similar penalty. *Beng.* 1793 *R.* 32. § 2. *C.* 19. *Ben.* 1795 *R.* 32 § 2. *C.* 22.

19. The engagements with the Rayats are to be made at the times of sowing and of full growth. *Beng.* 1793 *R.* 32. § 2. *C.* 17. *Ben.* 1795 *R.* 22. § 2. *C.* 13.

20. In cases of calamity of season, the Collector may grant the Contractor an Ameen to ascertain the damage. *Beng.* 1793 *R.* 32. § 2. *C.* 18. *Ben.* 1795 *R.* 32. § 2. *C.* 14.

21. If failure of deliveries by the Rayats arise from no fault, they are to repay the advances with interest; but, if from embezzlement, they are to be fined four Rupees per Seer, where the opium can be confiscated, and ten Rupees, where not. *Beng.* 1793 *R.* 32. § 2. *C.* 21. *Ben.* 1795 *R.* 32 § 2. *C.* 16 to 19.

22. The Contractor, using any weights and scales not sealed by the Magistrate, may be fined. *Beng* 1793 *R.* 32. § 2 *C.* 20. *Ben* 1795 *R.* 32 § 2. *C.* 15.

23. Opium, delivered by the Rayats in too liquid a state, shall be appraised by arbitration. *Beng.* 1793 *R.* 32. § 2. *C.* 22. *Ben.* 1795 *R* 32. § 2. *C.* 20.

24. Opium, delivered by the Rayats in an adulterated state, shall be confiscated; and the Contractor shall be fined, if he use such opium in his deliveries. *Beng.* 1793 *R.* 32. § 2. *C.* 23. *Ben.* 1795 *R* 32. § 2. *C.* 21.

25. Landholders &c. exacting more than the established rents from opium Rayats, may be sued for damages by the Contractor or injured Rayats. *Beng.* 1793 *R.* 32. § 2. *C.* 24.

26. The Contractor is liable to the payment of certain charitable allowances in Behar. *Beng.* 1793 *R.* 32. § 2. *C.* 25.

27. Opium of Behar or Benares imported by the Contractor for Bengal opium, and opium of Bengal or Benares imported by the Contractor of Behar opium, shall be confiscated. *Beng.* 1793 *R.* 32 § 2. *C.* 10.

28. And opium of Behar or Bengal, imported by the Contractor of Benares opium. *Beng.* 1793 *R.* 32. § 3. *Ben.* 1795 *R.* 32. § 2. *C.* 11.

A. D. 1795 29. Opium cloths called Kapa, and opium pots called Doga, are to be delivered up by the Rayats on payment of the opium they may yield. *Beng.* 1795 *R.* 53. § 2.

30. And all poppy cultivated, unless on public advances, or with previous notice, may be attached and gathered, and the same penalties imposed on the party, as for illegally selling opium. *Beng.* 1795 *R.* 53. § 3.

II.

II. PROVISION BY AGENCY.

1. Rules for the Manufacture.

1. Every rule or order of Government, regarding the manufacture of opium, shall be enacted into a Regulation, printed and published. *Beng.* 1793 *R.* 41. § 2. ext. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1. § 2. A.

2. The cultivation of the poppy, except on account of Government, is prohibited. *Beng. Ben.* 1799 *R.* 6. § 3. A. D. 1799.

3. All persons have the option to enter into engagements for the cultivation on account of Government or to decline the cultivation. *Beng. Ben.* 1799 *R.* 6. § 5.

4. If any person cultivate contrary to this prohibition, the Agent shall attach and gather the produce, reporting it to the Board of Trade; and the cultivator shall be liable to a penalty of four Rupees per Seer. *Beng. Ben.* 1799 *R.* 6. § 15.

5. The Agent is to make an annual settlement with the persons who choose to cultivate, specifying the price per Seer, and weight of the Seer, and shall make advances on receiving the Board's approval of the settlement, and send a copy of the settlement to the Zilla Judge. *Beng. Ben.* 1799 *R.* 6. § 4.

6. At the sowing season, he shall take engagements from the cultivators for a specific number of Beghas, under a penalty of three times the amount advanced per Begha, for each Begha not cultivated: when the poppy is full grown, he shall take a further engagement to deliver the produce acording to an estimate which shall be formed by arbitrators. *Beng. Ben.* 1799 *R.* 6. § 6.

7. Should the cultivator not deliver the produce estimated as above, the Agent may, on suspicion of embezzlement or neglect, complain to the Judge: if neglect be proved, the Judge is to award repayment of the proportional advance with interest at twelve per cent; if embezzlement, the Judge is to award a penalty of four Rupees per Seer when the embezzled opium can be seized for confiscation, and of ten Rupees per Seer when not. *Beng. Ben.* 1799 *R.* 6. § 9.

8. Officers, under an Agent, convicted of receiving fees &c. from any Rayat, are to pay four times the amount and be dismissed. *Beng. Ben.* 1799 *R.* 6. § 7.

9. Or using weights and scales not sealed by the Magistrates of the district or uneven scales though sealed, may be fined by the Magistrate. *Beng. Ben.* 1799 *R.* 6. § 8.

10. Landholders &c. exacting more from the poppy cultivators than the established rates, may be prosecuted before the Judge. *Beng. Ben.* 1799 *R.* 6. § 12.

A. D. 1799 11. When the opium is delivered in too liquid a ſtate, an arbitration ſhall determine the ſurplus to be taken as an equivalent; and the award ſhall be final unleſs partiality be proved before the Judge. *Beng. Ben.* 1799 *R.* 6. § 10.

12. If the opium be delivered in an adulterated ſtate, it ſhall be confiſcated, ſealed up in the party's preſence, and reported to the Board; unleſs the Rayat bring a ſuit againſt the Agent in the Civil Court within three weeks; after which time no ſuch ſuit ſhall be heard. *Beng. Ben.* 1799 *R.* 6. § 11.

13. In all points not provided for, either party may apply to the Judge; who will paſs ſuch deciſion as may appear equitable. *Beng. Ben.* 1799 *R.* 6. § 13.

14. The Judges are directed to hear all ſuits concerning opium before other ſuits. *Beng. Ben.* 1799 *R.* 6. § 14.

15. Any native, employed in the proviſion of opium, who may deem himſelf injured by an act done purſuant to an order of Government or of the Board, is to ſeek redreſs in the mode preſcribed by Section 11, Regulation 3 of 1793. *Beng. Ben.* 1799 *R.* 6. § 39.

A. D. 1800 16. Contracts for the manufacture of opium need not be on ſtampt paper, nor the copies of ſuch contracts. *Beng. Ben.* 1800 *R.* 7. § 5. *C.* 4.

17. Nor obligations to Government. *Beng. Ben.* 1800 *R.* 7. § 3. *C.* 1.

18. Nor acknowledgments on the part of Government, or for money received from Government. *Beng. Ben.* 1800 *R.* 7. § 4. *C.* 1.

D. 1803 19. The cultivation of the poppy, in the provinces ceded by the Nuwab Vizir to the Company, is prohibited. *Ced. Prov.* 1803 *R.* 41. § 2.

20. Under a penalty of ten Rupees per Begha where the poppy may be ſtill growing and can be deſtroyed, or when the opium is extracted can be ſeized and confiſcated, or of ſixteen Rupees per Begha where the opium ſhall have been extracted and cannot be ſeized. *Ced. Prov.* 1803 *R.* 41. § 3.

21. Landholders and Sudder farmers are liable to the above penalty for all poppy illegally cultivated with their knowledge or connivance. *Ced. Prov.* 1803 *R.* 41. § 4.

22. And Tehſildars or Police officers, beſides diſmiſſion from office. *Ced. Prov.* 1803 *R.* 41. § 6.

23. Tehſildars and Police officers ſhall attach any crop of poppy illegally cultivated, and report it to the Judge, taking ſecurity from the cultivator to appear before the Judge;

Judge; or, on failure of security, sending him with the witnesses to the Court. *Ced. Prov.* 1803 *R.* 41. § 5. A. D.

24 Landholders and farmers shall similarly attach crops; and, if themselves not chief officers of Police, shall report to the nearest Police officer. *Ced. Prov.* 1803 *R.* 41. § 7

25. The Judge, on a summary inquiry, shall, if the fact be proved, cause the crops to be destroyed, or confiscate the opium, and adjudge the penalties incurred. *Ced. Prov.* 1803 *R.* 41. § 8.

26. And, if the penalty be not paid, shall levy it by process for enforcing decrees; or, if sufficient property be not found, shall commit the offender to jail for not more than six months. *Ced. Prov.* 1803 *R.* 41. § 19.

27. All informations shall be tried in a summary manner by the Judge. *Ced. Prov.* 1803 *R.* 41. § 21.

28. Who shall cause the informer to pay costs and equitable damages, if the information be deemed groundless. *Ced. Prov.* 1803 *R.* 41. § 20.

2. Rules for the Agent and his Officers.

1. Every person, appointed an Agent for the provision of opium, is to take a prescribed oath before the Governor General in Council or any person commissioned by him. *Beng. Ben.* 1799 *R.* 6. § 2. A. D. 1799

2. The weights and scales of the opium Kotees are to be sealed by the Magistrate, and to be annually examined in the month of January by him or by persons whom he may appoint; if weights &c. not sealed, or incorrect though sealed, should be used, the Agent and his officers may be fined at the discretion of the Magistrate. *Beng. Ben.* 1799 *R.* 6. § 8.

3. In suits against a subordinate officer of an opium Kotee, the Agent may give security for him, or leave him to find security, or send him to the Court with the Peon who brought the summons. *Beng. Ben.* 1799 *R.* 6. § 26. *C* 1.

4. The Agents are to empower head officers of Kotees, and a Vakeel or other person at each Court, to execute securities, and shall send a list of them to the Judge. *Beng. Ben.* 1799 *R.* 6. § 26. *C.* 2.

5. The Agent is answerable for all decrees against a party for whom he or his head officer shall have given security. *Beng. Ben.* 1799 *R.* 6. § 26. *C.* 3.

6.

1799 6. Opium Agents and their native officers may be sued by persons aggrieved in matters relating to opium, after application shall have been fruitlessly made to the Agent for redress; and no suit shall be received without satisfactory proof of such previous application, or as an Appeal from an Agent's decision. *Beng. Ben.* 1799 *R.* 6. § 27.

7. In suits for acts done without a special order of Government or of the Board, the Agent is to defend the suit at his own risk through a private Vakeel. *Beng. Ben.* 1799 *R.* 6. § 28.

8. The Agents may defend suits against their officers, but are in such cases answerable for the decree. *Beng. Ben.* 1799 *R.* 6. § 29.

9. When the act complained of was by an order of Government or of the Board, the party must proceed under Section 11, Regulation 3 of 1793. *Beng. Ben.* 1799 *R.* 6. § 39.

10. Processes of Civil Courts upon opium Agents and Assistants are to be transmitted in a sealed cover directed to their address, and are to be returned with an endorsed receipt. *Beng. Ben* 1799 *R.* 6. § 30.

11. Security is not to be demanded from Agents, Assistants, or head officers of Arungs. *Beng. Ben.* 1799 *R.* 6. § 33.

12. Communication between Agents &c. and their pleaders at the Civil Courts is to be in sealed letters transmitted through the Register of the Court. *Beng. Ben.* 1799 *R.* 6. § 35.

13. If the Board should approve of a decision against an Agent &c. in suits brought under Section 28, they may make him responsible for the whole or a part of the costs and damages, but the Agents &c. may appeal at their own risk. *Beng. Ben.* 1799 *R.* 6. § 31.

14. If the Board should disapprove a decision in such a suit, they may authorize an appeal; and in such case the appeal shall be at the expense of Government. *Beng. Ben.* 1799 *R.* 6. § 32.

15. Where the Board shall deem it expedient, or receive orders from Government, they are to superintend themselves the prosecution or defence of any suit or appeal. *Beng. Ben.* 1799 *R.* 6. § 36.

16. Opium Agents &c. are not liable to be sued for the acts of their predecessors: but suits of a private nature are to continue against the former Agent &c. unless the

Board

Board of Trade should deem it advisable, that the successor shall carry on the suit; and suits of a public nature are to be continued by the successor. *Beng. Ben.* 1799 *R.* 6. § 34. A. D. 1799.

17. Opium Agents are to credit in their accounts all damages awarded to them; and debit, in such manner as the Board may direct, all costs and damages awarded against them: but the disbursement must receive the previous sanction of the Board. *Beng. Ben.* 1799 *R.* 6. § 37.

18. The same rules are applicable to Assistants in charge during the absence of the Agent. *Beng. Ben.* 1799 *R.* 6. § 38.

19. The head ministerial officer of an opium Agent shall not be removed without the sanction of the Governor General in Council. *Beng. Ben.* 1804 *R.* 5. § 4. A. D. 1804

20. Nor native officers receiving a monthly salary of ten Rupees or upwards, without the sanction of the Board of Trade. *Beng. Ben.* 1804 *R.* 5. § 15.

21. Opium Agents shall receive in open Cuchery, and transmit to the Board, the resignation of a head officer. *Beng. Ben.* 1804 *R.* 5. § 5.

22. And the proceedings on any charge against him, after communicating the charge to him, and calling on him for his answer. *Beng. Ben.* 1804 *R.* 5. § 6.

23. And reports of actual vacancy by death or otherwise. *Beng. Ben.* 1804 *R.* 5. § 7.

24. With the recommendation of a successor, reporting fully all information of his past employments, character, and qualifications. *Beng. Ben.* 1804 *R.* 5. § 9.

25. And may suspend him in case of gross misconduct, appointing a person pro tempore. *Beng. Ben.* 1804 *R.* 5. § 6.

26. Also resignations of officers receiving a monthly salary of ten Rupees or upwards, and charges similarly proceeded on, and report of actual vacancy. *Beng. Ben.* 1804 *R.* 5. § 16.

27. With the recommendation of a successor as above. *Beng. Ben.* 1804 *R.* 5. § 18.

28. And may similarly suspend them, and appoint persons pro tempore; reporting such suspensions and appointments to the Board. *Beng. Ben.* 1804 *R.* 5. § 17.

29. Opium Agents may appoint and remove native officers, whose monthly salary does not amount to ten Rupees, recording the reasons and exercising the power with due regard to the public service. *Beng. Ben.* 1804 *R.* 5. § 14.

30. But the Naibs, Mirdahs, Peons, Jumadars, Burkundazes &c. in the opium department, are to be appointed and removed as in the Courts of Judicature. *Beng. Ben.* 1804 *R.* 5. § 13.

31. Lists of establishments are to be sent to the Board of Trade, and in case of any

A. D. 1804 office being now vacant which it may be requisite to fill, nominations shall be made according to Sections 9 and 18. *Beng. Ben.* 1804 *R.* 5. § 20.

32. The names of all officers receiving a monthly salary of ten Rupees and upwards, shall be inserted in the statements accompanying accounts transmitted to the Accountant and Civil Auditor. *Beng. Ben.* 1804 *R.* 5. § 22.

33. Opium Agents are prohibited from making any alterations in the distribution of salaries, or in the number and designation of their native officers. *Beng. Ben.* 1804 *R.* 5. § 23.

34. Whenever a complaint may be instituted against an opium Agent for any act other than corruption &c. the Judge shall, previous to calling upon the officer for his answer, transmit a copy and translation of the complaint to the Governor General in Council. *Beng. Ben.* 1806 *R.* 8. § 2.

A. D. 1806 35. The Governor General in Council, after inquiring into the case through the Board of Trade, or in any other mode, will determine whether it shall be considered as a public or private suit; and the Court, on the receipt of his determination, shall proceed to try it according to the rules for public or private suits respectively. *Beng. Ben.* 1806 *R.* 8. § 3.

36. Whenever a charge of corruption against an opium Agent is preferred to a Provincial, Zilla or City Court or the Sudder Dewannee Adaulut, the Court shall transmit a copy and translation to the Governor General in Council. *Beng. Ben.* 1806 *R.* 8. § 4.

37. On receipt of such charge, or of any information communicated directly to the Governor General in Council, or through the Board of Trade, or any other official channel; he will, after making necessary inquiries by reference to the Board, or to any local authority, or by calling on the accused for his defence, determine whether there be ground for a formal inquiry. *Beng. Ben.* 1806 *R.* 8. § 5.

38. If a special inquiry appear necessary, the Governor General in Council will appoint a Commissioner or Commissioners for the purpose. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 6.

39. On the appointment of such commission, the officer shall be suspended from office and salary; but, if he be acquitted, the Governor General in Council will order payment from the date of his suspension. *Beng.* 1806 *R.* 8. § 9.

III. *PENALTIES.*

A. D. 1793 Re-enacted 1799 R. 6 § 18 1. Any British subject, convicted to the satisfaction of the Governor General in Council of being concerned in illicit trade in opium, shall forfeit the Company's protection and be sent to Europe. *Beng.* 1793 *R.* 32. § 4. *Ben.* 1795 *R.* 32. § 3.

2.

2. All persons, not British subjects, purchasing, or being found with, smuggled opium, are liable to a penalty of four Rupees per Seer, besides confiscation of the opium, or ten Rupees per Seer when it cannot be seized, recoverable in Civil Courts: landholders &c. conniving at the sale of smuggled opium within their estates, are liable to the same forfeiture: one half of the forfeiture goes to Government, the other to the informer. *Beng.* 1793 *R.* 32. § 5. *Ben.* 1735 *R.* 32. § 4. A. D. 1793 Regulation 1799 R. 6.

3. Seized opium shall be delivered to the Judge, who shall issue a publication for claimants to appear in one month; if a claimant appear, the Judge shall inquire into his claim; and, if he decide against the claimant, or none appear, he is to report the circumstances to Government for orders. *Beng.* 1793 *R.* 32. § 6. ditto § 19

4. All natives in Benares guilty of illicit trade in opium are to be fined 325 Rupees per Maund, for every Maund illegally provided. *Ben.* 1795 *R.* 32. § 3. A. D. 1795

5. Importation of opium the produce of the Vizir's dominions, or of any foreign country, is prohibited. *Beng. Ben.* 1797 *R.* 1. § 7. A. D. 1797

6. Persons, convicted of a breach of this Regulation, are liable to the penalties specified in Sections 4 and 5, Regulation 32 of 1793, and Sections 3 and 4, Regulation 32 of 1795. *Beng. Ben.* 1797 *R.* 1. § 8.

7. And the process of confiscating the opium shall be the same which is directed in Section 6, Regulation 32 of 1793. *Beng. Ben.* 1797 *R.* 1. § 9.

8. All opium, not made for the Company, nor sold by their authority, is to be deemed contraband, and is liable to confiscation. *Beng. Ben.* 1799 *R.* 6. § 16. *Ced. Prov.* 1803 *R.* 41. § 9. A. D. 1799

9. With the boats, cattle, and carriages, on which it may be laden. *Beng. Ben.* 1799 *R.* 6. § 20. *Ced. Prov* 1803 *R.* 41. § 13.

10. All persons, purchasing or having it, are liable to the penalties of four Rupees per Seer where the opium can be seized, and of ten Rupees per Seer where not; landholders &c. conniving at the sale in their estates are to be fined ten Rupees per Seer. *Beng. Ben.* 1799 *R.* 6. § 17. *Ced. Prov.* 1803 *R.* 41. § 10.

11. British subjects, in addition to the penalties, if convicted to the satisfaction of Government, shall forfeit the Company's protection and be sent to Europe. *Beng. Ben.* 1799 *R.* 6. § 18. *Ced. Prov.* 1803 *R.* 41. § 11.

12. Seized opium shall be delivered to the Judge, who shall issue a publication for claimants to appear in one month: if a claimant appear, the Judge shall inquire into his claim; but, if none appear or the Judge decide against the claim, he shall deliver

the

A. D. 1799 the opium to the Board of Trade or nearest opium Agent. *Beng. Ben.* 1799 *R.* 6. § 19. *Ced. Prov.* 1803 *R.* 41. § 12.

13. The boats, cattle, and carriages, on which contraband opium is laden, shall be also delivered to the Judge who will proceed as above, and after confiscation sell them and remit the proceeds as above. *Beng. Ben.* 1799 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 41. § 13.

14. Informers, and the officers acting on their information, shall receive each twelve Annas per Seer on the opium confiscated; and a discretion is vested in the Board of Trade to distribute the reward to two or more persons according to their respective merits. *Beng. Ben.* 1799 *R.* 6. § 21. *Ced. Prov.* 1803 *R.* 41. § 14.

15. And one quarter of the proceeds of the boats, cattle, carriages &c. *Beng. Ben.* 1799 *R.* 6. § 24. *Ced. Prov.* 1803 *R.* 41. § 17.

16. An officer making the seizure himself shall have the whole reward of one Rupee eight Annas per Seer. *Beng. Ben.* 1799 *R.* 6. § 22. *Ced. Prov* 1803 *R.* 41. § 15.

17. And one half of the proceeds of the boats, cattle &c. *Beng. Ben.* 1799 *R.* 6. § 24. *Ced. Prov.* 1803 *R.* 41. § 17.

18. Where the contraband opium cannot be seized, the person, whose information leads to the party's conviction, shall have half of the penalty. *Beng. Ben.* 1799 *R.* 6. § 23. *Ced. Prov* 1803 *R.* 41. § 16.

19. Rewards shall be paid by the Board or Agents as soon as possible after confiscation. *Beng. Ben.* 1799 *R.* 6. § 25. *Ced. Prov.* 1803 *R.* 41. § 18.

20. Any person, aggrieved by an act done pursuant to an order of Government, or of the Board of Trade, must seek redress in the mode directed by Section 11, Regulation 3 of 1793. *Beng. Ben.* 1799 *R.* 6. § 39. *Ced. Prov* 1803 *R.* 41. § 22.

A. D. 1803 21. The importation of opium from the Vizir's dominions or any foreign country into the Ceded Provinces, and the exportation of opium from the Ceded Provinces into Bengal, Behar, Orissa, and Benares, and the sale of opium within the Ceded Provinces, excepting only such as shall have been manufactured or sold by the authority of Government, are prohibited under pain of confiscation and the other prescribed penalties. *Ced. Prov.* 1803 *R.* 41. § 9.

22. Penalties for illicit cultivation of the poppy or dealings in opium shall be recovered from the property of the offender by the process for enforcing decrees, and, if sufficient property be not found, the Court shall commit the offender, for any period not exceeding six months, to the Civil or Criminal jail. *Ced. Prov.* 1803 *R.* 41. § 19.

23. If any information for such illicit cultivation or dealings shall be deemed groundless, the Court shall cause the informer to make good to the accused all charges incurred with equitable damages. *Ced. Prov.* 1803 *R.* 41. § 20. A. D.

24. All inquiries for such illicit cultivation or dealings shall be conducted in a summary manner by the Court, subject to the general rules for appealing. *Ced. Prov.* 1803 *R.* 51. § 21.

25. No suit nor information, for the recovery of a fine or penalty to Government or to the informer, for the illicit manufacture or sale of opium, shall be admitted or proceeded in if not preferred within one year from the commission of the act for which the fine or penalty is demandable; unless prosecuted on the part of Government, and sufficient cause be assigned for the delay. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 6. A. D. 1805

PARDON AND MITIGATION OF PUNISHMENT.

1. The will of the heir of a murdered person, in pardoning the murderer or requiring Deyut, shall not be allowed to operate in bar of a trial for murder. *Beng.* 1793 *R.* 9. § 55. ext. *Ben.* 1795 *R.* 16. § 22. A. D. 1793 Modified 1797 R. 4 § 3.

2. Nor in bar of sentence on conviction. *Beng.* 1793 *R.* 9. § 76. ext. *Ben.* 1795 *R.* 16. § 22. ditto

3. If the heir pardon the murderer or require Deyut, the trial shall be transmitted by the Court of Circuit to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 52. ext. *Ben.* 1795 *R.* 16. § 22. ditto

4. And the Nizamut Adaulut shall sentence a murderer to death if they approve of the proceedings. *Beng.* 1793 *R.* 9. § 76 ext. *Ben.* 1795 *R.* 16. § 22. ditto

5. If a criminal sentenced to death appear to the Nizamut Adaulut a proper object for mercy, that Court shall submit his case to the Governor General in Council, recommending either a pardon or such mitigation of punishment as to the Court may seem proper. *Beng.* 1793 *R.* 9. § 79. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 14.

6. The Nizamut Adaulut may recommend pardon or mitigation in cases of Brahmens convicted of establishing Koorhs. *Ben.* 1795 *R.* 21. § 7. A. D. 1795

7. And of wounding any woman or child in resentment to another person. *Ben.* 1795 *R.* 21. § 8.

8. Or of killing any woman or child from such motive. *Ben.* 1795 *R.* 21. § 9.

9. The Magistrate of Bhaugulpoor may mitigate sentences of the assembly of hill chiefs, on hill prisoners, if for imprisonment not exceeding fourteen years, reporting the circumstances to the Nizamut Adaulut. *Beng.* 1796 *R.* 1. § 11. A. D. 1796

A. D. 1796 10. The will of the heir of the slain in pardoning the murderer shall not be allowed to operate on trials of hill prisoners. *Beng.* 1796 *R.* 1. § 13. *C.* 4.

11. The Nizamut Adaulut may recommend to the Governor General in Council pardon or mitigation of punishment on hill prisoners sentenced to death. *Beng.* 1796 *R.* 1. § 13. *C.* 5.

12 The Nizamut Adaulut may recommend to the Governor General in Council pardon or mitigation of punishment in all cases where the punishment is deemed too severe, and the Muhamedan law does not allow a discretion. *Beng. Ben.* 1796 *R.* 6. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 8. § 19. *C.* 1.

13. Stating their reasons at large for the recommendation. *Beng. Ben.* 1796 *R.* 6. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 8. § 19. *C.* 2.

14. The Nizamut Adaulut, on the representation of Magistrates and Courts of Circuit, may recommend to the Governor General in Council an offer of pardon to accessaries in murder and other heinous crimes on condition of full disclosure. *Beng. Ben.* 1796 *R.* 6. § 3. *Ced. Prov.* 1803 *R.* 8. § 20.

15. Magistrates and Courts of Circuit shall communicate to the Nizamut Adaulut all circumstances of the case and measures already taken for the apprehension of the principals. *Beng. Ben.* 1796 *R.* 6 § 4. *Ced. Prov.* 1803 *R.* 8. § 21.

16. The Nizamut Adaulut shall submit the case to the Governor General in Council; and, if he approve it, the Nizamut Adaulut shall confirm the pardon by a certificate under the Court's seal and Register's signature, to be delivered to the party on his fulfilling the conditions. *Beng. Ben.* 1796 *R.* 6. § 3. *Ced. Prov.* 1803 *R.* 8. § 20.

A. D. 1797 17. On a trial for murder no reference is to be made to the heir of the slain. *Beng. Ben.* 1797 *R.* 4 § 3. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 2.

18. The Nizamut Adaulut shall adhere to the Mussulman law if in favour of the prisoner, and recommend pardon or mitigation to the Governor General in Council if against the prisoner, in cases where they deem the Muhamedan law repugnant to justice, and the case is not provided for by the Regulations. *Beng. Ben.* 1797 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 8. § 11.

A. D. 1799 19. The Nizamut Adaulut shall sentence to death a murderer, though the Futwa should declare him not liable to Kissas on the ground of some personal distinction, unless they see circumstances in the case to render him a proper object of mercy. *Beng. Ben.* 1799 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 15.

20.

20. Or on the ground of the prisoner having been requested by the deceased to put him to death. *Beng. Ben.* 1799 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 16.

21. Or on the ground of any accomplice not being liable to Kissas. *Beng. Ben.* 1799 *R.* 8. § 4. *Ced. Prov.* 1803 *R.* 8. § 17.

22. And in case of homicide by poison or drowning. *Beng. Ben.* 1799 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 1.

23. The Nizamut Adaulut are to recommend to the Governor General in Council pardon or mitigation, stating the grounds of their opinion, when they deem a person convicted of killing one individual in the intention of murdering another a proper object of mercy. *Beng. Ben.* 1801 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 2. A. D. 1[illegible]

24. Or a person convicted of wounding one individual in the intention of wounding another. *Beng. Ben.* 1801 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 5.

25. Or a person convicted of throwing a child into the sea or a river in the intention of taking away life, if the child lose its life in consequence. *Beng. Ben.* 1802 *R.* 6. § 2. A. D. [illegible]

26. If the specific legal penalty for a crime be mitigated or remitted by the Futwa from circumstances altering the nature or diminishing the criminality of the offence, no sentence of discretionary punishment shall exceed or equal the specific legal penalty, unless expresly denounced by a Regulation. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 5. A. D. 1[illegible]

27. In case of extenuating or discriminating circumstances, or on consideration of the great number convicted of the same crime, sentences may be mitigated by the Nizamut Adaulut, or by Courts of Circuit if the trial be not referrible. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4 *C.* 5.

28. And the case of any prisoner who appears an object of mercy shall be reported by the Court of Circuit to the Nizamut Adaulut, and by the Nizamut Adaulut to the Governor General in Council; or the prisoner may be discharged by the Nizamut Adaulut without reporting, if the sentence be not adjudged under the Muhamedan law or a Regulation. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 6.

29. In trials held in the Ceded Provinces between 10th November 1801, and 24th March 1803, if the Court of Circuit shall be of opinion, in a case of murder, where the heir of the slain shall have pardoned the murderer, that the release of the prisoner would be attended with danger, the Court shall refer the case to the Nizamut Adaulut, with an opinion on the period of imprisonment deemed advisable, or may order his detention

detained till he give security for good behaviour and appearance. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 5.

30. And on the reference of such trials, the Nizamut Adaulut may sentence the prisoner to imprisonment for life, or for any period deemed adequate, or may similarly order his detention till he give security. *Ced. Prov.* 1803 *R.* 51. § 3. *C.* 3.

31. In such trials the modifications of the Muhamedan law introduced by the Regulations shall not be applied by the Court of Circuit, except such as are favourable to the prisoners. *Ced. Prov* 1803 *R* 51. § 2. *C.* 5.

32. Nor by the Nizamut Adaulut. *Ced. Prov.* 1803 *R.* 51. § 3. *C* 2.

D. 1804 33. The Calcutta Court of Circuit may mitigate sentences not extending to life or limb, nor exceeding seven years imprisonment, on crimes committed in Cuttack, between 14th October 1803, and the promulgation of this Regulation. *Beng.* 1804 *R.* 4 § 7.

34. And the Barellee Court of Circuit may mitigate sentences on crimes committed in the Conquered Provinces between 30th December 1803, and the promulgation of this Regulation; and the Benares Court of Circuit sentences on crimes committed in Bundelkhund between 16th December 1803, and the promulgation of this Regulation. *Ben. Ced. Prov.* 1804 *R* 9. § 11.

35. The Nizamut Adaulut may mitigate sentences on such crimes committed in Cuttack extending to life or limb, or exceeding seven years imprisonment, or may recommend the prisoner to the Governor General in Council for mercy. *Beng.* 1804 *R.* 4. § 7.

36. And similarly in such crimes committed in the Conquered Provinces and Bundelkhund. *Ced. Prov.* 1804 *R.* 9 § 11.

D. 1805 37. Such modifications of the Muhamedan law, in favor of the prisoner, as have been made by any Regulation, shall be applied in the trials for offences committed in Chandernagore and Chinsura. 1805 *R.* 16. § 3. *C.* 3.

PAUPERS.

D. 1793 1. Any person, wishing to sue in a Civil Court, and unable to give security for the fees of a pleader, may be admitted on proving his inability by his own oath, and the oath of two witnesses, and on finding two sureties for his appearance when required. *Beng.* 1793 *R.* 46. § 2. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 2.

2. If the pauper gains his suit, the party sued shall make good the amount of the fees to the pauper's Vakeel, or such part thereof as the Court may order. *Beng.* 1793 *R.* 46. § 4. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 4.

3. If such person's suit shall be deemed vexatious, and he shall not pay his own Vakeel's fees and the costs of the opposite party, the Court shall commit him to close custody for not more than three months, and then discharge him; or if the sureties do not produce him, or shall not pay the costs, they shall be committed for a similar period, and then discharged: if property of such person be afterwards found, the Court shall proceed against such property for recovery of the costs. *Beng.* 1793 *R.* 46. § 3. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 3.

4. The Vakeels of the Courts are permitted to undertake the causes of paupers. *Beng.* 1793 *R.* 46. § 5. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 5.

5. If a pauper shall be unable to prevail on any Vakeel to undertake his suit, the Court, on proof of his inability to plead it in person, may require one of the Vakeels to plead it, recording the reasons for exercising this power. *Beng.* 1793 *R.* 46. § 6. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 6.

6. The fees on the institution of suits, and on exhibits and witnesses in the trial of suits, may be dispensed with, in the case of paupers. *Beng.* 1795 *R.* 38. § 8. ext. *Ben.* 1795 *R.* 60. § 2.

7. And the fee on the presentation of petitions. *Beng.* 1795 *R.* 38. § 9. ext. *Ben.* 1795 *R.* 60. § 2.

8. The institution fee on suits already instituted. *Beng.* 1795 *R.* 38. § 10. ext. *Ben.* 1795 *R.* 60. § 2.

9. And the fee on exhibits and witnesses in suits now pending. *Beng.* 1795 *R.* 38. § 11. ext. *Ben.* 1795 *R.* 60. § 2.

10. And the fee on petitions already filed. *Beng.* 1795 *R.* 38. § 12. ext. *Ben.* 1795 *R.* 60. § 2.

11. The fees on the institution and trial of suits may be dispensed with, in the case of paupers. *Beng. Ben.* 1797 *R.* 6. § 9. *Ced. Prov.* 1803 *R.* 43. § 9.

12. And the fee on exhibits accompanying petitions. *Beng. Ben.* 1797 *R.* 6. § 10. *Ced. Prov.* 1803 *R.* 43. § 10.

13. And the stamp duty on pleadings and petitions and on copies of judicial papers. *Beng. Ben.* 1797 *R.* 6. § 19. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 8.

14. The fees on petitions may be excused on evident appearance of poverty, without the proof and process required by Regulation 46 of 1793. *Beng. Ben.* 1797 *R.* 10. § 13. *Ced. Prov.* 1803 *R.* 43. § 13 *C.* 8.

15. The stamp duty on charges punishable by the Magistrates may be remitted to paupers *Beng. Ben.* 1797 *R.* 10 § 9. *Ced. Prov.* 1803 *R.* 43. § 23.

16. Courts are not to admit, under Section 13, Regulation 10 of 1797, a plea of poverty, without some evidence of real inability in addition to the oath of the party. *Beng. Ben.* 1800 *R.* 7. § 16. *Ced. Prov* 1800 *R* 43. § 13. *C.* 8.

17. Pauper appellants to the King in Council are excepted from the rules for charging the appellant with the expenses of making the required copies for transmission and with the stamp duty on the paper used. *Beng Ben.* 1800 *R.* 7. § 19. *Ced. Prov.* 1803 *R.* 43. § 22.

18. Paupers are not liable to the payment of the stamp duty on the paper used for the copies of decrees which are to be prepared for delivery to them, nor for any copies of orders or proceedings which they may be required to take. *Beng. Ben* 1800 *R* 7. § 17. *Ced. Prov.* 1803 *R* 43. § 14. *C.* 5.

19. But if their costs be recovered, the stamp duty shall be also recovered and paid to the Collector. *Beng. Ben.* 1800 *R.* 7. § 16. *Ced. Prov.* 1803 *R.* 43 § 13. *C.* 8.

20. The Collector's Agent at a Civil Court is to furnish, upon requisition of the Judge or Register, on his receipt, the stampt paper required for the use of paupers. If the pauper obtain a judgment with costs, or his costs should be recovered under Regulation 46 of 1793, the Court shall recover the stamp duty on the paper furnished to him, and pay it to the Collector taking his receipt. *Beng. Ben.* 1800 *R.* 7 § 16 *Ced Prov.* 1803 *R.* 43 § 15. *C.* 8.

21. If any person, desirous of presenting a petition to the Board of Revenue, or a Collector, or other Revenue Officer, shall declare on oath his inability to pay the stamp duty, and adduce evidence in proof thereof, the paper may be furnished to him gratis. *Beng. Ben.* 1800 *R.* 7. § 25.

22. If a decision in favour of a pauper plaintiff be reversed in appeal, the institution fee paid by the defendant on appealing shall be returned to him, and recovered from any property which the pauper plaintiff may be thereafter found to possess *Beng. Ben* 1802 *R.* 3. § 5 *Ced Prov* 1803 *R.* 14 § 9.

23. If the suit of a pauper plaintiff be dismissed and declared vexatious, he shall be committed under Section 3, Regulation 46 of 1793, whether he appeal or not: should he appeal,

appeal, and the Court find the appeal vexatious, it may be confined by a Provincial Court for a period not exceeding six months, and by the Sudder Dewanny Adalut, twelve months, including his previous confinement. *Beng. Reg.* 1803 *R.* 3. § 6. *Ced. Prov* 1803 *R.* 14. § 10.

24. The Courts may use their discretion in fixing the extent of the security to be given by defendants in suits of pauper plaintiffs, and with respect to the responsibility of the surety; and shall demand only such security as may appear necessary to secure their appearance: but if it should afterwards appear insufficient, the Court may require further security; and in case of judgment in favour of the pauper, the Court shall, on its being appealed, take the prescribed security for staying execution. *Beng Ben.* 1802 *R.* 3 § 2. *Ced. Prov.* 1803 *R.* 14. § 8.

25 In case of its becoming necessary to recover the defendant's costs from him notwithstanding judgment being in his favour, in consequence of the irresponsibility of the plaintiff and his sureties, such part only of the fee of the defendant's pleader shall be levied from him as may be deemed adequate to the trouble of the pleader, who shall look for the rest to the property of the plaintiff *Beng. Ben.* 1802 *R.* 3. § 3 *Ced. Prov.* 1803 *R* 14 § 7. *R* 10. § 35.

26 And the same powers are vested in the Registers in causes tried by them. *Beng. Ben.* 1802 *R.* 3. § 4 *Ced Prov* 1803 *R* 10. § 35.

PEACE AND JUSTICES OF PEACE.

1. Magistrates are to apprehend disturbers of the peace. *Beng.* 1793 *R.* 9. § 4. ext. *Ben* 1795 *R* 16 § 4. *C.* 1 *Ced Prov* 1803 *R* 6. § 4. A. D. 1796

2 Police officers may apprehend, without a written charge, persons found in the act of breaking the peace. *Beng.* 1793 *R.* 22 § 8. *Ben.* 1795 *R.* 17. § 8. *Ced. Prov.* 1803 *R.* 35 § 8

3. Police officers are to go in person, or depute an officer, on market days, to the markets for the purpose of preventing disputes and disturbances. *Beng.* 1793 *R* 22. § 19 *Ben* 1795 *R.* 17. § 18. *Ced. Prov.* 1803 *R.* 35. § 19.

4. Police officers of Zillas are to take precautions for preventing disturbances on the occasion of all Melas or assemblings of people for religious or other purposes. *Ben.* 1795 *R* 17. § 18. *Ced. Prov* 1803 *R.* 35. § 19. A. D. 1796

5. And Police officers of Cities. *Ben.* 1795 *R.* 17. § 34.

6. Magistrates, who have qualified as Justices of Peace, shall, on receiving a sworn charge for a criminal offence against a British subject, apprehend the accused party, A. D. 1796 Modified 1806 R. 15 § 8

A. D. 1796 party; and, if there appear sufficient grounds for committing him for trial, shall issue a warrant under their seal and signature to the Sheriff of Calcutta commanding him to receive the prisoner into his custody for trial at the ensuing sessions; and shall bind over the prosecutor, and take recognizances from the witnesses, to repair to Calcutta and to appear at the trial. *Beng. Ben.* 1796 *R.* 2. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 6. § 19. *C.* 2.

7. Magistrates, who have not yet qualified as Justices of Peace, are required to do so within six months from the date of this Regulation; and Magistrates who may be hereafter appointed are required to qualify within six months from their appointment: but, in particular instances, on application to the Nizamut Adaulut, that Court may grant an extension, but not beyond twelve months without the sanction of Government. *Beng. Ben.* 1796 *R.* .. § 4. *Ced Prov.* 1803 *R.* 6. § 19. *C.* 5.

A. D. 1797 8. Landholders and farmers in Benares are to be vigilant in preventing breaches of the peace, and apprehending persons found in the act of breaking the peace, and are to deliver to the Tehsildars such persons when apprehended by the village watchmen. *Ben.* 1797 *R.* 2. § 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 2.

9. And on failure therein are liable to forfeiture of land or farm, or to fine at the discretion of Government. *Beng.* 1797 *R.* 2 § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 3.

A. D. 1799 10. Tenants, resisting the attachment of their property by distrainers, shall be prosecuted criminally for any breach of the peace committed in such resistance: Police officers, on information of such resistance, shall repair to the spot, and take all proper measures to apprehend and send to the Magistrate all persons who may appear to have broken the peace. *Beng.* 1799 *R.* 7. § 9. *Ben.* 1800 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 28. § 17. *C.* 2.

11. On applications from distrainers, Police Daroghas shall depute an officer to use every means in his power to prevent a breach of the peace. *Beng.* 1799 *R.* 7. § 11. *Ben.* 1800 *R.* 5. § 11. *Ced. Prov.* 1803 *R.* 28. § 19. *C.* 3.

A. D. 1800 12. The Calcutta Justices of Peace may remove all stills for the manufacture of spirituous liquors to a proper distance from Calcutta, and issue licenses for their establishment under such Regulation of duty, and at such places in the neighbourhood, as they may judge expedient. *Beng.* 1800 *R.* 6. § 32.

A. D. 1802 13. Applications for license to establish distilleries worked in the European manner must be made to one of the Justices of Peace for the Twenty-four Pergunnas, and such licenses are to be signed by three of them. 1802 *R.* 2. § 2.

14. Magistrates and Collectors are to report to the Justices any such distilleries in their respective Zillas. 1802 *R.* 2. § 3.

15. The Justices shall at all times, by day or night, be permitted free ingress into such distilleries and the ware-houses belonging thereto, under penalty of 1000 Rupees. 1802 *R.* 2. § 6.

16. The spirits, already manufactured at such distilleries, shall be accounted for to such person, and the duties thereon paid at such periods, as any three Justices may direct. 1802 *R.* 2. § 9.

17. The duties on spirits hereafter manufactured are to be paid at such times and to such person as three Justices may direct. 1802 *R.* 2. § 10.

18. The ware-houses, appertaining to such distilleries, shall be registered with the Justices in ten days after license granted, under penalty of 1000 Rupees. 1802 *R.* 2. § 4.

19. And the stills, coppers &c. five days before the materials are brought in, under penalty of 500 Rupees. 1802 *R.* 2. § 5.

20. Notice shall be given to the Justices five days previous to the distilleries commencing work, under penalty of 1000 Rupees. 1802 *R.* 2. § 11.

21. And four days previous to discontinuing work, under the like penalty. 1802 *R.* 2. § 12.

22. No spirits shall be removed without a pass from a Justice, under pain of forfeiture. 1802 *R.* 2. § 14.

23. A draw-back is to be paid on exportation of such spirits by sea, on the certificate of a Justice. 1802 *R.* 2. § 17.

24. And a quarterly account of such draw-back is to be rendered by the Custom Master to the Justices. 1802 *R.* 2. § 16.

25. Exported spirits shall be confiscated if relanded without a pass signed by a Justice. 1802 *R.* 2. § 20.

26. The license is to be forfeited on proof of any breach of Regulations to the satisfaction of two Justices. 1802 *R.* 2. § 15.

27. Licenses for the retail sale, beyond the limits of Calcutta, of spirits manufactured at such distilleries, are to be signed by one or more of the Justices. 1802 *R.* 2. § 22.

[illegible] 1806 29. Such licence is returnable at the pleasure of any one Justice. 1802 R. 2. § 29.

30. A Surveyor and Deputy, and proper gaugers, are to be appointed by three or more Justices under their hands and seals. 1802 R. 2. § 28.

30. And on their swearing to suspected frauds, any one Justice may grant his search warrant, which shall not be resisted under penalty of 1000 Rupees. 1802 R. 2. § 29.

31. Seizures are to be heard and determined by one or more Justices, after summoning the party, on his appearance or default; and the decision shall be final: and the property, if condemned, shall be sold by order of the Justices. 1802 R. 2. § 30.

32. Or, if the party be not known, after publication in the Calcutta Gazette. 1802 R. 2. § 31.

33. Fines and penalties are to be similarly adjudged and may be levied by the Justice's warrant on the offender's goods. 1802 R. 2. § 33.

34. The retail of spirits within Calcutta is placed under the Justices of Peace by the powers vested in them by 33. G. III. Cap. 52. § 159. 1802 R. 2 § 26.

[illegible] 18: 6 35. The Collector of the pilgrim tax at Jugunnaut shall establish, with the sanction of the Board, and aided by the officers of the Police, rules for guarding against accidents and confusion, and to preserve regularity and good order. *Beng.* 1806 R. 4. § 8.

36. The Justices of Peace for the town of Calcutta, or such person as the Governor General in Council may at any time appoint, shall exercise the powers and duties of Magistrate for the Twenty-four Perguhnas in the manner prescribed by the Regulations. *Beng.* 1806 R. 7. § 7.

37. When a Magistrate, who has qualified as Justice of Peace, commits a British subject for trial before the Supreme Court, for any criminal offence, he shall transmit the original depositions with translations to the Clerk of the Crown, and copies with translations to the Secretary in the Judicial Department for the information of the Governor General in Council, who, in aggravated cases, will order the prosecution to be conducted at the public expense by the law officers of Government. *Beng. Ben. Ced. Prov.* 1806 R. 15. § 2.

38. When a Magistrate, who has not so qualified, shall, after necessary inquiries, be of opinion that there are grounds for bringing to trial before the Supreme Court a British subject for a criminal offence not bailable, he shall send the accused in safe custody to the Calcutta Justices of Peace with the witnesses and a letter requesting the Justices to bring him to trial before the Supreme Court, and shall send copies and trans-

lations

[illegible] the determination of Government as above. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 3.

39. And when such a Magistrate receives a charge for a bailable offence against a British subject, he shall explain to the complainant the course to be pursued for obtaining redress by application to the Calcutta Justices or the Grand Jury: and after calling on the accused for his reply, shall report the case to the Governor General in Council with his opinion whether the expense of the prosecution should be defrayed by Government; and the Governor General in Council will determine accordingly. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 3.

40. When a Magistrate may require military aid for the maintenance of the peace, he shall state in writing, as fully as practicable, the nature of the service to the Commanding Officer, leaving him to judge of the strength of the force. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 14. *C.* 1.

41. The allotment of the force will rest with the Commanding Officer: but he is not to exercise any discretion in granting or withholding the required aid, as the responsibility of calling for military aid will rest with the Magistrate, who is enjoined to confine his requisition to cases of absolute necessity and to make an immediate report to Government with all information respecting the circumstances. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 14. *C.* 2.

42. And the Commanding Officer shall also transmit an immediate report of such requisitions to the Commander in Chief. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 14. *C.* 3.

PENALTIES.

I. *IN JUDICIAL MATTERS.*

1. IN POINTS OF JURISDICTION.

1. Persons bringing litigious suits, or suing in one Court after having already sued in another, shall be amerced in costs with a discretionary fine. *Beng.* 1793 *R.* 3. § 12. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 9.

2. Witnesses, refusing to attend or give evidence in Zilla or City Courts, may be fined not more than 500 Rupees, and imprisoned until compliance. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

3. In Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 20. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 10.

4. In the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 18. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 18.

5. Persons, guilty of contempt of Court in open Court, may be fined in Zilla and City Courts, not more than 200 Rupees, and imprisoned until payment. *Beng.* 1793 *R* 4 § 21. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 22.

6. In Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 20. ext. *Ben.* 1795 *R.* 9. § 6 *Ced. Prov.* 1803 *R.* 4 § 20.

7. In the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 18. ext. *Ben.* 1795 *R.* 10. § 2 *Ced. Prov.* 1803 *R.* 5. § 18.

8. Landholders, resisting the authority of Zilla Courts, shall be adjudged to forfeiture of estate commutable for a fine by Government. *Beng.* 1793 *R.* 4 § 22. ext. *Ben.* 1795 *R* 8. § 2 *Ced. Prov.* 1803 *R.* 3 § 23.

9 Or resisting the authority of Provincial Courts of Appeal *Beng.* 1793 *R.* 5. § 23 ext *Ben* 1795 *R* 9 § 6 *Ced. Prov* 1803 *R.* 4 § 23. *C.* 1.

10 Or of the Sudder Dewannee Adaulut *Beng.* 1793 *R.* 6 § 24 ext. *Ben.* 1795 *R.* 10 § 2 *Ced. Prov.* 1803 *R* 5. § 24.

11 Farmers of land, resisting the authority of Zilla Courts, shall be adjudged to forfeiture of the farm commutable for a fine by Government *Beng* 1793 *R* 4. § 24. ext. *Ben* 1795 *R.* 8. § 2 *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 1.

12 Or resisting the authority of Provincial Courts of Appeal. *Beng.* 1793 *R* 5. § 25 ext *Ben* 1795 *R.* 9. § 6 *Ced. Prov.* 1803 *R* 4. § 25.

13. Or of the Sudder Dewannee Adaulut *Beng.* 1793 *R* 6 § 26. ext. *Ben.* 1795 *R* 10 § 2. *Ced Prov.* 1803 *R* 5. § 26.

14. Any other person, resisting the authority of a Zilla Court, shall be adjudged to a discretionary fine. *Beng.* 1793 *R.* 4 § 25. ext. *Ben.* 1795 *R* 8. § 2. *Ced. Prov.* 1803 *R.* 3 § 26.

15. Or resisting the authority of a Provincial Court of Appeal *Beng.* 1793 *R.* 5. § 26 ext *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4 § 26.

16. Or of the Sudder Dewannee Adaulut. *Beng.* 1793 *R* 6. § 27. ext. *Ben.* 1795 *R* 10 § 2. *Ced Prov.* 1803 *R.* 5. § 27.

17. Judges of the Provincial Courts of Appeal, and of Zilla or City Courts, making false returns to the Sudder Dewannee Adaulut, may be suspended from office and reported

[illegible] *Ben.* 1795 [illegible] *R.* [illegible] § 2. *Ced. Prov.* 1803 [illegible]

18. And Judges of Zilla or City Courts, making false returns to Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 15. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 15.

19. Landholders, farmers and Rayats, interfering in judicial matters, are liable to fine and damages. *Beng.* 1793 *R.* 8. § 66.

20. Persons, guilty of contempt to a Court of Circuit, may be punished by imprisonment of 15 days or by 15 ratans. *Beng.* 1793 *R.* 9. § 59. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* (imprisonment of 4 months) 1803 *R.* 7. § 28.

21. Collectors, refusing to obey an order of a Civil Court, may be fined discretionally by the Court. *Beng.* 1793 *R.* 14. § 36. *Ben.* 1795 *R.* 6. § 42. *Ced. Prov.* 1803 *R.* 27. § 39.

22. Parties in suits referred to arbitration, if guilty of default or contempt, and witnesses guilty of contempt or refusing to give evidence before arbitrators, are subject to the same penalty as in Civil Courts. *Beng.* 1793 *R.* 16. § 6. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 6.

23. Parties, bringing litigious suits before native commissioners, are liable to damages and costs. *Beng.* 1793 *R.* 40. § 9. *C.* 12. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 12.

24 Parties, guilty of disrespect, and witnesses refusing to give evidence, before native Commissioners, may be fined discretionally. *Beng.* 1793 *R.* 40. § 9. *C.* 13. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 13.

25. Invalided Sepoys, resisting process of Civil and Criminal Courts in their villages, are liable to such fine or punishment as may be authorized by a Regulation. *Beng.* 1793 *R.* 43. § 25. Re-enacted 1803 R. 1 § 1

26. Landholders and farmers, conniving at robberies, are liable to confiscation of land and effects, to make good the property stolen. *Beng.* 1793 *R.* 22. § 3.

27. Claimants, forcibly attempting to take possession of lands or crops, are to forfeit the claim to the other party. *Beng.* 1793 *R.* 49. § 4. ext. 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 4.

28. And authorizing such a forcible attempt. *Beng.* 1793 *R.* 49. § 5. ext. *Ben.* 1795 *R.* 14. § 2. *Ced Prov.* 1803 *R.* 32 § 5.

A. D. 1793 29. Claimants arming themselves for the purpose of [illegible] possession arming themselves for the purpose of resisting an attempt to dispossess, are to forfeit the property in dispute to Government. *Beng.* 1793 *R.* 40. § 6. *exh. Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 6.

A. D. 1795 30. Landholders &c. in the jurisdiction of the Benares City Court, resisting the authority of the City Court, are liable to the penalties of Section 22 &c. Regulation 4 of 1793. *Ben.* 1795 *R.* 8. § 8.

31. Or, resisting the authority of the Provincial Court of Appeal, are liable to the penalties of Section 23 &c. Regulation 5 of 1793. *Ben.* 1795 *R.* 9. § 7.

32. And resisting the authority of the Sudder Dewannee Adaulut, to the penalties of Section 24 &c. Regulation 6 of 1793. *Ben.* 1795 *R.* 10. § 5.

33. Brahmens in Benares, establishing Koorhs, or preparing to wound their women or children, on any subject of discontent, shall be fined in a sum equal to their annual income. *Ben.* 1795 *R.* 21. § 3.

34. The families of such Brahmens, if any life be lost, shall be banished from Benares, with the forfeiture of all their landed property. *Ben.* 1795 *R.* 21. § 9.

35. And accessaries in establishing Koorhs on any subject of discontent shall be fined in a sum equal to one fourth of their income. *Ben.* 1795 *R.* 21. § 3.

36. Brahmens in Benares, sitting D'hurna, shall be adjudged to expulsion from Benares, and forfeiture of claim, and discretionary fine. *Ben.* 1795 *R.* 21. § 11.

37. Tehsildars, landholders and farmers, in Benares &c. are, in case of thefts and robberies committed in their limits, and ascribable to their neglect or connivance, responsible for the amount stolen or robbed. *Ben.* 1795 *R.* 17. § 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 1.

38. Servants of Europeans, in Benares, seizing any articles, may be punished discretionally, and incapacitated to serve an European again. *Ben.* 1795 *R.* 33. § 4. *C.* 6.

39. And for pressing any artificers. *Ben.* 1795 *R.* 33. § 4. *C.* 7.

40. Europeans in Benares, ordering any such acts by their servants, shall be held responsible for the act. *Ben.* 1795 *R.* 33. § 4. *C.* 10.

41. And shall be liable to indemnify, or pay damages to, the party aggrieved. *Ben.* 1795 *R.* 33. § 4. *C.* 6.

42.

42. [illegible] judge [illegible] *Beng. Ben.* 1796 *R.* 11. § [illegible] *Ced. Prov.* 1804 [illegible]

43. Subject farmers, to [illegible] criminal [illegible] *Beng. Ben.* 1796 [illegible] *R.* 11. § 2. *C.* 3. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 3.

44. All other persons, to discretionary fine, imprisonment or corporal punishment by the Magistrate Assistant. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 4. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 4.

45. If landholders and farmers abscond from a criminal charge, their land shall be attached. *Beng. Ben.* 1796 *R.* 11. § 4. *C.* 2. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 2.

46. And remain at the disposal of Government, if they do not appear in six months. *Beng. Ben.* 1796 *R.* 11. § 6. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 5.

47. Also dependant Talookdars or tenants. *Beng. Ben.* 1796 *R.* 11. § 4. *C.* 3. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 3.

48. Litigious appellants may be fined discretionally. *Beng. Ben.* 1796 *R.* 13. § 3. *Ced. Prov.* 1803 *R.* 4. § 35. *R.* 4. § 12.

49. Landholders and farmers in Benares &c. are liable to forfeiture of estate or farm, or discretionary fine, for neglect of duty in respect of the Police. *Ben.* 1797 *R.* 2. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 2. A. D. 1797

50. Persons, sitting Dhurna in Bengal, are subject to forfeiture of claim, fine of 1000 Rupees, and imprisonment of twelve months. *Beng.* 1797 *R.* 5. § 4. *Ced. Prov.* 1804 *R.* 3. § 10. *C.* 1.

51. Persons, making groundless charges against landholders &c. in Benares, for neglect of duty in the Police, are liable to damages. *Ben.* 1797 *R.* 2. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 3.

52. All persons, as well as Brahmens in Benares, sitting Dhurna, are liable to the penalties prescribed in Sections 11 and 12, Regulation 27 of 1795. *Beng.* 1799 *R.* 8. § 6. A. D. 1799

53. Resistance to process of City Courts shall be punished by the same penalties with resistance to Zilla Courts. *Beng.* 1799 *R.* 9. § 2.

54. And resistance to City and Zilla Courts, by discretionary fine, if [illegible] sufficient. *Beng. Ben.* 1799 *R.* 9. § 3. *Ced. Prov.* 1803 *R.* 3. § [illegible]

55.

A. D. 1801 55. Any person, making a groundless appeal to the Sudder Dewanee Adaulut from the rejection of an appeal by a Provincial Court of Appeal, may be invariably fined. *Beng. Ben.* 1801 *R.* 2. § 8. *Ced. Prov.* 1803 *R.* 5. § 10 *C.* 13.

56. Or to Provincial Courts of Appeal from Zilla Courts. *Beng. Ben.* 1801 *R.* 2. § 9. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 11.

57. Disobedience of Courts of Circuit or Magistrates, and false returns to the Nizamut Adaulut, shall be punished by suspension from office; a report of the case being at the same time made to Government. *Beng. Ben.* 1801 *R.* 2. § 14. *Ced. Prov.* 1803 *R.* 8. § 24.

58. And disobedience or false returns of Magistrates to Courts of Circuit. *Beng. Ben.* 1801 *R.* 2. § 14. *Ced. Prov.* 1803 *R.* 8. § 24.

59. Persons, resisting process of Magistrates or Police officers, may be punished under Section 8, Regulation 9 of 1793, if deemed sufficient. *Beng. Ben.* 1801 *R.* 9. § 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 5.

A. D. 1803 60. Witnesses, refusing to attend or give evidence in Criminal Courts, may be fined in a sum not exceeding 500 Rupees, and imprisoned until compliance, or, if the trial be not pending, until payment of the fine, or for a period fixed in lieu of it. *Beng. Ben.* 1803 *R* 50 § 2. *C.* 2 *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 2.

61. Litigious appellants against the rejection of an appeal shall be invariably fined. *Beng. Ben.* 1803 *R.* 49. § 26. *C* 3.

A. D. 1804 62. Invalids, resisting the process of Civil or Criminal Courts in the T'hanas, shall be liable to such fine or punishment as is authorized by a Regulation. *Beng.* 1804 *R.* 1. § 15.

63. Persons, convicted of treason, rebellion, &c. shall forfeit their real and personal property. *Beng. Ben. Ced. Prov.* 1804 *R.* 10. § 3.

A. D. 1805 64. Litigious appeals from Chinsura or Chandernagore, to the Sudder Dewannee Adaulut, may be punished by a fine. *Beng.* 1805 *R.* 6. § 11.

65. And any contempt to the Courts of Chinsura and Chandernagore, in petitions or pleadings to the Sudder Dewannee Adaulut, by a fine commutable for imprisonment not exceeding six months. *Beng.* 1805 *R.* 1. § 11.

66. Litigious appeals from the rejection of an original suit may be punished by a fine. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 11.

67.

67. Zemindars in charge of Police, conniving at robberies, [illegible] shall, in addition to the legal punishment, incur forfeiture of their lands to be [illegible] to make good the property robbed. *Beng.* 1805 *R.* 18. § 7. *C.* 17.

68. And, for neglect of duty in regard to the Police, are liable to fine, imprisonment and forfeiture of land. *Beng.* 1805 *R.* 18. § 7. *C.* 15.

69. Payiks and other watchmen, under such Zemindars, are subject to fine, imprisonment and removal from office for neglect of duty. *Beng.* 1805 *R.* 18. § 7. *C.* 5.

70. Landholders in Cuttack, conniving at robberies, are to be punished under the general laws and regulations of the Courts. *Beng.* 1805 *R.* 18. § 7. *C.* 17.

71. And Payiks, for neglect of duty or other misconduct, shall be removed from office and dispossessed of their lands. *Beng.* 1805 *R.* 13. § 5.

72. Persons, driving stakes in the banks of the canal, excavating earth from the bank, throwing ballast into the canal, &c. may be punished by the Magistrate to the extent authorized for petty offences. *Beng.* 1806 *R.* 18. § 8.

2. In points of Duty &c.

1. Judges of Zillas, Cities, or Provincial Courts of Appeal, shall be removed from office for corruption, or suspended from the service, or be liable to any other order in the discretion of Government. *Beng.* 1793 *R.* 6. § 8. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 8.

2. Pleaders, refusing to carry on the suit after receiving a retainer, may be dismissed from their office. *Beng.* 1793 *R.* 7. § 7. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10 § 6.

3. And wilfully delaying the suit. *Beng.* 1793 *R.* 7. § 18. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 17.

4. Or receiving more than the authorized fees. *Beng.* 1793 *R.* 7. § 19. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 18.

5. For disrespect to the Court, are liable to a fine not exceeding 100 Rupees. *Beng.* 1793 *R.* 7. § 16. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 15.

6. For promoting litigious suits, and for frauds &c. may be fined or dismissed from office. *Beng.* 1793 *R.* 7. § 17. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 16.

7. For breach of the Regulations, or fraudulent practices in the suit, may be sued for damages by their clients. *Beng.* 1793 *R.* 7. § 31. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 29.

8. For being absent without giving notice, shall be fined fifty Rupees for the first offence, 100 Rupees for the second, and dismissed for the third. *Beng.* 1793 *R.* 7. § 30. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 30.

9. Persons, bringing false charges of corruption against a ministerial officer of a Court, may be sued for damages. *Beng.* 1793 *R.* 13. § 9. *C.* 12. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 12.

10. Or against a law officer. *Beng.* 1793 *R.* 12. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 1.

11. Or against the Judge of a Zilla, City, or Appeal Court. *Beng.* 1793 *R.* 6. § 8. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 8.

12. Litigious complaints before Magistrates may be punished by imprisonment of fifteen days, or fine not exceeding 200 Rupees, if the party be a considerable landholder, and fifty Rupees if any other person. *Beng.* 1793 *R.* 9. § 10. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 10.

13. Native officers of Civil and Criminal Courts, for corruption, shall be sentenced to restitution with treble fine, and incapacity to serve Government. *Beng.* 1793 *R.* 13. § 9. *C.* 8. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R* 12. § 12. *C.* 8.

14. And law officers of the Courts. *Beng.* 1793 *R.* 12. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 1.

15. European officers of the Courts, to restitution with treble fine, dismission from office, and suspension from the service. *Beng.* 1793 *R.* 13. § 9. *C.* 9. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 9.

16. Private servants of Judges or Magistrates, to treble fine, or imprisonment, or corporal punishment, and incapacity to serve Government. *Beng.* 1793 *R.* 13. § 11. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 14.

17. Persons, attempting to elude the restrictions regarding interest, shall forfeit their right to the money lent. *Beng.* 1793 *R.* 15. § 9. *Ced. Prov.* 1803 *R.* 34. § 8. *Cuttack* 1805 *R.* 14. § 9. *C.* 5.

18. Police Daroghas, for false returns of persons apprehended and released, are liable to dismission from office. *Beng.* 1793 *R.* 22. § 21. *Ben* 1795 *R.* 17. § 19. *Ced. Prov.* 1803 *R.* 35. § 20.

19. And village watchmen for neglect of duty. *Beng.* 1793 *R.* 22. § 14. *Ben.* 1795 *R.* 17. § 14. *Ced. Prov.* 1803 *R.* 35. § 14.

20.

20. Police Daroghas of Zillas, for corruption &c. may be prosecuted before the Court of Circuit or sued for damages in the Civil Court. *Beng.* 1793 *R.* 22. § 21. *Ben.* 1795 *R.* 17. § 20. *Ced. Prov.* 1803 *R.* 35. § 21.

21. And Police Daroghas of cities. *Beng.* 1793 *R.* 17. § 38. *Ben.* 1795 *R.* 17. § 35.

22. Landholders, permitting boats of prohibited dimensions to be built or repaired, shall be adjudged to forfeit the village wherein such boats were so built or repaired. *Beng.* 1793 *R.* 22. § 20. *C.* 3.

23. And artificers, building or repairing them, shall be sentenced to imprisonment of one month or twenty ratans. *Beng.* 1793 *R.* 22. § 20. *C.* 4.

24. The keepers of judicial records, are liable to dismission from office if any records be not forthcoming. *Beng.* 1793 *R.* 18. § 7. ext. *Ben.* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 7.

25. Collectors of Revenue and Customs, Commercial and Salt Agents, Mint and Assay-Masters, and their respective Assistants and native officers, may be sued for damages for any official act done in opposition to a Regulation. *Beng.* 1793 *R.* 3. § 10. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 7.

26. And for contravening the rules concerning the coin. *Beng.* 1793 *R.* 35. § 28. *Ced. Prov.* 1803 *R.* 45. § 52.

27. Native Commissioners of lawsuits, for corruption, shall be adjudged to treble penalty and costs. *Beng.* 1793 *R.* 40. § 8. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 6.

28. And for oppression, to damages and costs. *Beng.* 1793 *R.* 40. § 8. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 6.

29. For enforcing their own decrees, to a penalty of twice the amount of the decree and costs. *Beng.* 1793 *R.* 40. § 14. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 12.

30. Pergunna Cazees, for undue practices in the discharge of their duties, may be sued for damages. *Beng.* 1793 *R.* 39. § 11. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 11.

31. Pauper plaintiffs, and appellants, (and their sureties, if they do not produce the party,) whose suit is deemed litigious, are to be imprisoned during three months. Modified 1805 R. 3 § 6

Beng.

A. D. 1793 *Beng.* 1793 *R.* 46. § 3. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 3.

A. D. 1797 32. Cazees, authenticating deeds not on ſtampt paper, are liable to diſmiſſion from office. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 6.

33. And officers of Civil Courts, receiving any plaint &c. not on ſtampt paper. *Beng. Ben.* 1797 *R.* 6. § 17. *C.* 11. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 9.

34. Or giving a copy of any record on paper unſtampt. *Beng. Ben.* 1797 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 15. *C.* 1.

35. Any perſon, producing a deed or law paper unſtampt, atteſted by a Cazee, which ought to be ſtampt, is ſubject to a penalty of ten times the duty. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 6.

36. Or a money obligation unſtampt. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 3.

37. Or an unſtampt copy of a judicial paper. *Beng. Ben.* 1797 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 R. 43. § 15. *C.* 3.

38. Or filing an unſtampt pleading. *Beng. Ben.* 1797 *R.* 6. § 17. *C.* 11. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 9.

39. Officers giving, and parties producing, papers of which one ſheet may be ſtampt and the reſt unſtampt, are liable to the ſame penalty as if the whole were unſtampt. *Beng. Ben.* 1797 *R.* 6. § 23. *C.* 2.

A. D. 1798 40. Pleaders, agreeing to plead for leſs than authorized fees, are ſubject to diſmiſſion from office and forfeiture of the fee to Government. *Beng. Ben.* 1798 *R.* 5 § 15. *Ced. Prov.* 1803 *R.* 10. § 32.

A. D. 1800 41. The holder of an unſtampt document, if produced for ſtamping within ſixty days, is liable to a penalty of five times the ſtamp duty. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 2.

42. Or if produced after ſixty days, to a penalty of ten times the duty. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 3.

43. The perſons executing, or cauſing to be executed, an unſtampt document, are liable to a penalty of ten times the duty. *Beng. Ben.* 1800 *R.* 7. § 7.

44. And making any attempt to evade the ſtamp duty. *Beng. Ben.* 1800 *R.* 7. § 8.

45. And miſrepreſenting criminal charges to evade the duty. *Beng. Ben.* 1800 *R.* 7. § 23. *Ced. Prov.* 1803 *R.* 43. § 23.

46.

46. Police officers, receiving any such charges unstampt, shall be dismissed from office. *Beng. Ben.* 1800 *R.* 7. § 23. *Ced. Prov.* 1803 *R.* 43. § 23. A. D. 1800

47. Judicial officers, giving copies, or filing papers, unstampt, are liable to a penalty of ten times the stamp duty besides dismission. *Beng. Ben.* 1800 *R.* 7. § 26. *Ced. Prov.* 1803 *R.* 43. § 25.

48. Neglect of duty &c. in Registers and Assistants of Civil Courts, is to be reported to Government, or the party to be admonished. *Beng. Ben.* 1801 *R.* 2. § 7. *Ced. Prov.* 1803 *R.* 5. § 38. A. D. 1801

49. And in Registers and Assistants of Criminal Courts. *Beng. Ben.* 1801 *R.* 2. § 14. *Ced. Prov.* 1803 *R.* 8. § 24.

50. Pauper appellants, or their sureties, when deemed litigious, shall be adjudged to imprisonment of six months by the Provincial Courts of Appeal, and twelve months by the Sudder Dewannee Adaulut, including former imprisonments. *Beng. Ben.* 1802 *R.* 3. § 6. *Ced. Prov* 1803 *R.* 14. § 10. A. D. 1802

51. Head Commissioners are liable to the same penalties with other Commissioners, for corruption or oppression. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 4. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 4. A. D. 1803

52. And Munsifs. *Beng. Ben.* 1803 *R.* 49. § 14. *C.* 3. *Ced. Prov.* 1803 *R* 16. § 19. *C.* 3.

53. Munsifs, receiving any suit for damages, unless referred by the Court, shall be dismissed from office. *Beng. Ben.* 1803 *R.* 49. § 14. *C.* 7. *Ced. Prov.* 1803 *R.* 16. § 29. *C.* 2.

54. And Commissioners, permitting any person to act as a Vakeel unless he be a relation or dependant of the party, or have a Sunnud from the Judge. *Beng. Ben.* 1803 *R.* 49. § 16. *C.* 5. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 5.

55. Any person, convicted of refusing to receive the fractional part of a Rupee in copper coin, shall be amerced in costs and damages. *Ced. Prov.* 1803 *R.* 45. § 50.

56. Any Police officer, furnishing to a traveller bullocks or carts not kept for hire, or exclusively appropriated to agriculture, or compelling any persons not accustomed to act as bearers or Coolies to serve as such, shall be dismissed. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 8. A. D. 1806

II. IN REVENUE MATTERS.

1. In the Land Revenue.

A. D. 1793

1. Native officers of Collectors, doing any official act without their sanction, are liable to a fine of six months salary, or dismission by order of the Collector, Board, or Government, and may be sued for damages by the party aggrieved. *Beng.* 1793 *R.* 2. § 9. *Ben.* 1795 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 25. § 8.

2. And such officers, purchasing land at a public sale made by the Collector, shall forfeit the land to Government. *Beng.* 1793 *R.* 2. § 15. *Ben.* 1795 *R.* 5. § 15. *Ced. Prov.* 1803 *R.* 25. § 14.

3. Dewans of Collectors, lending money to landholders, are liable to a forfeiture of the loan. *Beng.* 1793 *R.* 2. § 19. *Ben.* 1795 *R.* 5. § 19. *Ced. Prov.* 1803 *R.* 25. § 18.

4. And any civil servant of the Company in a judicial and revenue station. *Beng.* 1793 *R.* 38. § 2. *Ben.* 1795 *R.* 48 § 2. *Ced. Prov.* 1803 *R.* 19. § 2.

5. Officers under the Board of Revenue, may for neglect of duty &c. be called to the Presidency, suspended from office, and fined not more than one month's salary, by order of the Board; and be sued for damages by the party aggrieved. *Beng.* 1793 *R.* 2. § 31. *C.* 2 to 4 ext *Ben.* 1795 *R.* 5. § 27.

6. Landholders and native officers of Collectors, not attending when summoned by the Board of Revenue, are liable to daily fine till attendance. *Beng.* 1793 *R.* 2. § 33. ext. *Ben.* 1795 *R.* 5 § 29.

7. Managers of disqualified landholders, guilty of embezzlement, are liable to a treble penalty. *Beng.* 1793 *R.* 10. § 10 *Ced. Prov.* 1803 *R.* 52. § 14.

8. And officers under the manager. *Beng.* 1793 *R.* 10. § 11. *Ced. Prov.* 1803 *R.* 52. § 15.

Rescinded 1799 R. 3 § 10

9. And guardians of disqualified landholders. *Beng.* 1793 *R.* 10. § 24. *Ced. Prov.* 1803 *R.* 52. § 28.

ditto

10 And officers under the guardian. *Beng.* 1793 *R.* 10. § 25 *Ced. Prov.* 1803 *R.* 52 § 29.

11. Collectors, confining landholders where no arrears are due, are liable to costs and damages on suit. *Beng* 1793 *R.* 14. § 12.

12. For refusing to take the prescribed security from landholders, who dispute the arrear demanded, are liable to suit for false imprisonment. *Beng.* 1793 *R.* 14. § 11.

13. And for arresting landholders without serving the prescribed demand. *Beng.* 1793 *R.* 14. § 4.

14. Landholders, resisting process of Collectors for arrears, shall be adjudged to forfeiture of estate, commutable for a fine by Government. *Beng.* 1793 *R.* 14. § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 27. § 23.

15. Sudder farmers, to forfeiture of farm similarly commutable. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov* 1803 *R.* 27. § 26.

16. And sureties of landholders or farmers, to discretionary fine. *Beng.* 1793 *R.* 14 § 21. *Ben.* 1795 *R.* 6. § 28. *Ced. Prov.* 1803 *R.* 27. § 28.

17. Ameens, or other officers in charge of lands attached for default of revenue, if guilty of undue acts, may be sued for damages by the proprietor and tenants. *Beng.* 1793 *R.* 14 § 6.

18. Or in charge of lands attached for sale for arrears. *Beng.* 1793 *R.* 14. § 25.

19. Or in charge of the attached lands of sureties. *Beng.* 1793 *R.* 14. § 24. *Ben.* 1795 *R.* 6. § 30. *Ced. Prov.* 1803 *R.* 27. § 30. *C.* 2.

20. And Ameens in charge of land attached for sale in execution. *Beng.* 1793 *R.* 45. § 7. *Ben* 1795 *R.* 20. § 7. *Ced. Prov.* 1803 *R.* 26. § 21.

21. And other officers in charge of such lands. *Beng.* 1793 *R.* 45. § 8. *Ben.* 1795 *R.* 28. § 8. *Ced. Prov.* 1803 *R.* 26. § 22.

22. Landholders, resuming rent-free grants without application to Courts, may be sued for damages. *Beng* 1793 *R.* 19 § 11. *Ben.* 1795 *R.* 41. § 11.

23. Or suing for resumption on insufficient grounds. *Beng.* 1793 *R.* 19. § 16. *Ben.* 1795 *R.* 41. § 16.

24. Collectors, suing resumption of rent-free grants on insufficient grounds, are liable to costs and damages. *Beng.* 1793 *R.* 19 § 16 *R.* 37. § 11. ext. *Ben* 1795 *R.* 41. § 16. *R.* 42. § 11. *Ced. Prov.* 1803 *R* 31. § 11. *R.* 36 § 11.

25. And Lakheraj grantees suing for a rent-free claim on insufficient grounds. *Beng.* 1793 *R* 19. § 16. *R.* 37. § 11. *Ben.* 1795 *R* 41. § 16. *R.* 42. § 11. *Ced. Prov.* 1803 *R.* 31. § 11. *R.* 36. § 11.

26. Grantees of rent-free lands, refusing to produce their deeds on the requisition of the Collector, are liable to a daily fine till compliance in the first instance, and attachment of the land in case of noncompliance with a second requisition. *Beng.* 1793 *R.* 19 § 14. *R.* 37 § 9. *Ben.* 1795 *R.* 41 § 14. *R.* 42. § 9. *Ced. Prov.* 1803 *R.* 31. § 9. *R.* 36. § 9.

A. D. 1793

27. And refusing to furnish information required for the Register, are subject to daily fine till compliance. *Beng.* 1793 *R.* 19. § 41. *R.* 37. § 36. *Ben.* 1795 *R.* 41. § 41. *R.* 42. § 36. *Ced. Prov.* 1803 *R.* 31 § 36. *R.* 36 § 36.

28. Not registering their grants as required, shall forfeit the grant. *Beng.* 1793 *R.* 19. § 26. *R.* 37. § 26. *Ben* 1795 *R.* 41. § 26. *R.* 42. § 21. *Ced Prov.* 1803 *R.* 31. § 21. *R.* 36. § 21.

29. Native officers of Collectors, for corruption in entries of rent-free lands, shall be adjudged to restitution, with treble fine, and costs, imprisonment till payment, and dismission. *Beng.* 1793 *R.* 19. § 45. *R.* 37. § 40. *Ben.* 1795 *R.* 41. § 45. *R.* 42. § 40. *Ced. Prov.* 1803 *R.* 31. § 40. *R.* 36. § 40.

30. And private servants of Collectors, to similar restitution and fine, and imprisonment for six months and until payment. *Beng.* 1793 *R.* 19. § 46. *R.* 37. § 41. *Ben.* 1795 *R.* 41. § 45. *R.* 42. § 41. *Ced. Prov.* 1803 *R.* 31. § 42. *R.* 36. § 41.

31. Cazees and other public officers, guilty of misconduct in the payment of pensions, are liable to dismission from office. *Beng.* 1793 *R.* 24. § 15. *Ben.* 1795 *R.* 34. § 12. *Ced. Prov.* 1803 *R.* 24. § 14. *C.* 1.

32. Ameens, deputed to divide landed estates, shall, for bribery, be adjudged to restitution with treble fine and costs and imprisonment until payment. *Beng.* 1793 *R.* 25. § 13. *C.* 2. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 41. *C.* 2.

33. Landholders, not producing accounts &c. to the Ameen deputed to make a division, are liable to a daily fine till compliance. *Beng.* 1793 *R.* 25. § 16. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 45.

34 And not causing the attendance of Putwaries. *Beng.* 1793 *R.* 25. § 17. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 46.

35. Putwaries, not producing the accounts, are subject to imprisonment till compliance. *Beng.* 1793 *R.* 25. § 17. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 46.

36. Landholders &c. failing to complete within the stipulated period an embankment for which they have received advances, shall forfeit twenty-five per cent penalty on the advances and interest. *Beng.* 1793 *R.* 33. § 10. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R.* 44. § 10.

37. The keepers of revenue records, if any records be not forthcoming, are liable to dismission from office. *Beng.* 1793 *R.* 21. § 7. ext. *Ben.* 1795 *R.* 30. § 2 *Ced. Prov.* 1803 *R.* 23. § 7.

38.

38. Treasury officers, refusing legal gold money, are liable to damages and costs and dismission from office. *Beng.* 1793 *R.* 35. § 3. A. D. 1793

39. And refusing legal silver money. *Beng.* 1793 *R.* 35. § 22. *Ced. Prov.* 1803 *R.* 45. § 15. and 27.

40. For receiving illegal money, they are subject to fine and dismission from office. *Beng.* 1793 *R.* 35. § 23. *Ced. Prov.* 1803 *R.* 45. § 28.

41. Landholders, farmers, or sureties, resisting the Ameen deputed to attach land for sale, are liable to the same penalties as for resistance to the Collector's process. *Beng.* 1793 *R.* 45. § 9. *Ben.* 1795 *R.* 20. § 9. *Ced. Prov.* 1803 *R.* 26. § 23.

42 And any other person, resisting the Ameen, are subject to the same penalties as sureties resisting the Collector's process. *Beng.* 1793 *R.* 45. § 9. *Ben.* 1795 *R.* 20. § 9. *Ced. Prov.* 1803 *R.* 26. § 23.

43 Landholders &c. not producing to the attaching Ameen accounts required, are liable to a daily fine until compliance. *Beng.* 1793 *R.* 45. § 10. *Ben.* 1795 *R.* 20. § 10. *Ced. Prov.* 1803 *R.* 25. § 4. *C.* 1.

44. And if they do not cause attendance of Putwaries on the Ameen. *Beng.* 1793 *R.* 45. § 11. *Ben.* 1795 *R.* 20. § 11. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

45. Landholders &c. refusing information for the quinquennial register are liable to discretionary fine. *Beng.* 1793 *R.* 48. § 25. *Ben.* 1795 *R.* 19. § 25. *Ced. Prov.* 1803 *R.* 42. § 25.

46. Landholders, opposing the attachment of their lands for arrears of revenue, are liable to the same penalty as for resistance to the Collector's process. *Beng.* 1794 *R.* 3. § 10. A. D. 1794

47. Landholders and farmers in Benares are liable to forfeiture of property, for disobedience to any order of Government. *Ben.* 1795 *R.* 2. § 14. *C.* 10. A. D. 1795

48. And in cases of robberies within their estates, are to make good the property robbed. *Ben.* 1795 *R.* 2. § 14. *C.* 8. Modified R. 17 § 3

49. Amils in Benares, for disobedience to the Courts, the Raja or the Resident, are liable to dismission from office. *Ben.* 1793 *R.* 2. § 15. *C.* 2. ditto

50. And are responsible for robberies within their jurisdictions. *Ben.* 1795 *R.* 2. § 15. *C.* 1.

51. Peons and Sawars, serving Dustuks in Benares, are liable for illegal exactions to double restitution. *Ben.* 1795 *R.* 6. § 7. *Ced. Prov.* 1803 *R.* 27. § 7.

A. D. 1795 52. Tehsildars in Benares are subject to dismission from office for irregularities in issuing Dustuks. *Ben.* 1795 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

53. And the Peons of Tehsildars, to dismission and incapacity to serve again, for irregularities in serving the Dustuks. *Ben.* 1795 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

54. Landholders in Benares, resisting process of Tehsildars, may be imprisoned not more than ten days, by order of the Collector. *Ben* 1795 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

A. D. 1797 55. Proprietors, refusing to produce accounts of rent-free land under division, are liable to a daily fine until compliance. *Beng. Ben.* 1797 *R.* 15. § 4. *Ced Prov.* 1803 *R.* 23. § 11.

A. D. 1799 56. Landholders, not furnishing to the Collector accounts required when their lands are attached, are subject to discretionary fine or imprisonment. *Beng.* 1799 *R.* 7. § 23. *C.* 4. *Ben.* 1800 *R.* 5 § 25. *Ced. Prov.* 1803 *R.* 27. § 15. *C.* 4.

57. And not producing accounts, or causing attendance of Putwaries on the attaching Ameen, are liable to the penalties of Section 10, Regulation 45 of 1793, and of Section 62, Regulation 8 of 1793. *Beng.* 1799 *R.* 7. § 29. *C.* 1. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

58. Purchasers of lands at public sale, in fictitious names, may be punished by confiscation of the purchase or discretionary penalty. *Beng.* 1799 *R.* 7. § 29. *C.* 3. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov* 1803 *R.* 26. § 9.

59. Or made by the defaulter himself, may be punished by forfeiture to Government. *Beng.* 1799 *R.* 7. § 29. *C.* 4. ext. *Ben.* 1800 *R.* 5. § 26 *Ced. Prov.* 1803 *R.* 26. § 10.

A. D. 1800 60. Landholders, &c. refusing information for the Pergunna registers, are subject to the same penalties, as for refusing information for the quinquennial register. *Beng. Ben.* 1800 *R.* 8. § 7. *Ced. Prov.* 1803 *R.* 42. § 36.

61. And refusing information for the register of intermediate mutations. *Beng. Ben.* 1800 *R.* 8. § 8. *Ced. Prov.* 1803 *R.* 42. § 37.

62. Landholders, not notifying to the Collector new villages for registry, shall forfeit the village. *Beng.* 1800 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 42 § 40.

63. Farmers and Khas officers, not notifying new villages, are liable to discretionary fine. *Beng. Ben.* 1800 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 42. § 40.

64. And persons, not notifying or misrepresenting their succession to, or acquisition of, estates. *Beng. Ben.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42. § 41. A. D. 1800

65. Also a guardian omitting to notify, or misrepresenting, his ward's succession. *Beng. Ben.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42. § 41.

66. Landholders, withholding information required for estates attached, shall be punished by an immediate sale of the estate. *Beng. Ben.* 1801 *R.* 1. § 3. A. D. 1801

67. Or withholding accounts required for the sale of a portion of an estate, by the sale of the whole, or by fine, if the accounts be produced before the day of sale. *Beng. Ben.* 1801 *R.* 1. § 5. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 2.

68. All persons making frivolous objections to the Board, or groundless appeals to the Governor General in Council, in regard to the partition of joint estates may be punished by discretionary fine. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 7. *Ced. Prov.* 1803 *R.* 20. § 51. *C.* 2.

69. Or withholding accounts necessary to the partition. *Beng. Ben.* 1801 *R.* 1. § 13 *C.* 8. *Ced. Prov.* 1803 *R.* 26. § 51. *C.* 3.

70. Collectors, summoning persons in unauthorized cases, may be prosecuted for damages. *Beng. Ben.* 1801 *R.* 1. § 10. *Ced. Prov.* 1803 *R.* 27. § 51.

71. Public officers, refusing to receive copper money, shall be dismissed and cast in damages and costs. *Ced. Prov.* 1803 *R.* 45. § 50. A. D. 1803

72. Tehsildars, falling in arrear a whole Kist, are liable to dismission. *Ced. Prov.* 1803 *R.* 27. § 2 *C.* 8

73. Any person, making a cut through a public embankment, will be liable to punishment by the Magistrate or to commitment before the Court of Circuit. *Beng. Ben. Ced. Prov.* 1806. *R.* 6. § 12. *C.* 6. A. D. 1806

74. And to damages on suit in the Civil Court. *Beng. Ben. Ced. Prov.* 1806 *R.* 6. § 12. *C.* 7.

2. In matters of Sayer and Stamps.

1. Persons, refusing to act as assessors of the Police tax, may be fined by the Collector not exceeding 100 Rupees. *Beng.* 1793 *R.* 23. § 16. A. D. 1793 Reference 1797 R. 6 § 2

2. The Collector, over-assessing a Pergunna or City Ward to the Police tax, is liable to costs of suit. *Beng.* 1793 *R.* 23. § 18. Ditto

3.

A. D. 1708 Rescinded 1797 R. 6 § 2

3. And the assessors of the Police tax, for over-assessing an individual. *Beng.* 1793 *R.* 23. § 24.

ditto

4. The Collectors of the Police tax are liable, for exactions, to double damages and costs. *Beng.* 1793 *R.* 23. § 34.

5. Persons exacting any Sayer duties shall be adjudged to make restitution, with double damages, costs, and a fine commutable for imprisonment. *Beng.* 1793 *R.* 27. § 11. *Ced. Prov.* 1804 *R.* 11. § 53. 1805 *R.* 6. § 36.

6. The proprietors of Toddy trees are liable to treble penalty for collusion to evade the tax. *Beng.* 1793 *R.* 34. § 13. ext. *Ben.* 1795 *R.* 47. § 6.

7. The illicit manufacture and vend of spirituous liquors is to be punished by a penalty of three times the annual tax. *Beng.* 1793 *R.* 34. § 20.

Re-enacted 1794 R. 1 § 2

8. Altered to a penalty of three times the daily tax for the number of days *Beng.* 1793 *R.* 51. § 2.

A. D. 1794 Re-enacted 1800 R. 6. § 8

9. The illicit manufacture and vend of liquors and drugs is to be punished by a penalty of three times the daily tax for the whole period. *Beng.* 1794 *R.* 1. § 2. ext. *Ben.* 1795 *R.* 47. § 9.

10. Informers, bringing groundless charges against venders of liquors and drugs, are liable to the charges incurred by the information and damages. *Beng.* 1794 *R.* 1. § 3. ext. *Ben.* 1795 *R.* 47. § 9. *Ced. Prov.* 1805 *R.* 40. § 20.

11. Police Daroghas, if illicit venders of liquors when bailed by them do not appear, and the bail be not sufficient, shall make good the penalty imposed on the party. *Beng.* 1794 *R.* 1. § 6. ext. *Ben.* 1795 *R.* 47 § 9. *Ced. Prov.* 1803 *R.* 40 § 33.

A. D. 1795

12. Landholders and farmers in Benares are liable to a penalty of treble the amount for levying abolished Sayer. *Ben.* 1795 *R.* 2. § 14. *C.* 7.

13. Also Amils. *Ben* 1795 *R.* 2 § 15. *C.* 1.

A. D. 1797

14. Any officers of the Board of Revenue or Collectors, giving an unstampt copy of any paper, are liable to dismission from office. *Beng. Ben.* 1797 *R.* 6. § 20. *C.* 5.

15. Persons, producing any unstampt copy of a revenue paper, are subject to a penalty of ten times the duty. *Beng. Ben.* 1797 *R.* 6. § 20. *C.* 5.

16. Officers giving, and parties producing, papers of which one sheet may be stampt and the rest unstampt, are liable to the same penalty as if the whole were unstamped. *Beng. Ben.* 1797 *R.* 6. § 23. *C.* 2.

17.

17. Collectors, iſſuing Abcaree licenſes not ſtampt, are liable to diſmiſſion from office. *Beng. Ben.* 1797 *R.* 10. § 5. *Ced. Prov.* 1803 *R.* 40. § 27. A. D. 1797

18. And liquor ſellers, uſing ſuch licenſes, are ſubject to the ſame penalties with unlicenſed venders. *Beng. Ben.* 1797 *R.* 10. § 5. *Ced. Prov.* 1803 *R.* 40. § 27.

19. Perſons, ſelling forbidden drugs, ſhall be liable to commitment before the Court of Circuit or puniſhment under Section 8, Regulation 9 of 1793. *Beng. Ben.* 1800 *R.* 6. § 8. *Ced. Prov.* 1803 *R.* 40. § 19. A. D. 1800

20. Or ſelling liquors &c. after expiration of the licenſe, or at any except the licenſed place, ſhall be liable to the ſame penalties as if unlicenſed, with forfeiture of licenſe in the latter caſe. *Beng. Ben.* 1800 *R.* 6. § 13. *Ced. Prov.* 1803 *R.* 40. § 20.

21. Or ſelling &c. without licenſe, to three times the monthly tax. *Beng. Ben.* 1800 *R.* 6. § 18. *Ced. Prov.* 1803 *R.* 40. § 28.

22. European diſtillers for exportation are liable to a pecuniary penalty for breach of licenſe. *Beng. Ben.* 1800 *R.* 6. § 33.

23. Liquor venders, who have given ſecurity, ſhall forfeit their licenſe, if the tax be not paid at the fixed periods. *Beng. Ben.* 1800 *R.* 6. § 15. *Ced. Prov.* 1803 *R.* 40. § 22.

24. And thoſe who have not given ſecurity, if the tax be not paid daily. *Beng. Ben.* 1800 *R.* 6. § 14. *Ced. Prov.* 1803 *R.* 40. § 21.

25. Licenſed liquor venders, guilty of breach of licenſe, may be committed to hard labour for ſix months. *Beng. Ben.* 1800 *R.* 6. § 29. *Ced. Prov.* 1803 *R.* 40. § 41.

26. And for more ſerious offences, ſhall be committed for trial before the Court of Circuit. *Beng. Ben.* 1800 *R.* 6. § 30. *Ced. Prov.* 1803 *R.* 40. § 42.

27. And in addition to other penalties, may be ſentenced to hard labour for ſix months. *Beng. Ben.* 1800 *R.* 6. § 31. *Ced. Prov.* 1803 *R.* 40. § 43.

28. And to forfeiture of licenſe. *Beng. Ben.* 1800 *R.* 6. § 29. *Ced. Prov.* 1803 *R.* 40. § 41.

29. Revenue officers, giving copies or filing papers unſtampt, are liable to a penalty of ten times the ſtamp duty beſides diſmiſſion. *Beng. Ben.* 1800 *R.* 7. § 26.

30. Perſons, working a diſtillery in the European mode without a licenſe, ſhall incur the forfeiture of the ſpirits and a penalty of two Rupees per gallon. *Ben. Beng.* 1802 *R.* 2. § 2. A. D. 1802

A. D. 1802 31. Licenſed owners of European diſtilleries, not regiſtering the warehouſes &c. are liable to a penalty of 1000 Rupees. *Beng. Ben.* 1802 *R.* 2. § 4.

32. Or oppoſing the ingreſs of the Juſtices or their officers into the diſtillery. *Beng. Ben.* 1800 *R.* 2. § 6.

33. Uſing ſtills of leſs than the preſcribed dimenſions. *Beng. Ben.* 1802 *R.* 2. § 7.

34. Not giving notice when the diſtillery begins to work. *Beng. Ben.* 1802 *R.* 2. § 11.

35. Removing the Surveyor's ſeal from the ſtill, except in his preſence. *Beng. Ben.* 1802 *R.* 2. § 12.

36. Preventing the Surveyor from taking an account of the ſpirits. *Beng. Ben.* 1802 *R.* 2. § 13.

37. Obſtructing the officers of the Juſtices in making ſeizures. *Beng. Ben.* 1802 *R.* 2. § 29.

38. Not making entry of the ſtills, coppers, caſks, &c. they are liable to a penalty of 500 Rupees and forfeiture of the ſtills, &c. *Beng. Ben.* 1802 *R.* 2 § 5.

39. Not making entry of ſpirits in ſtore, to a penalty of two Rupees per gallon. *Beng. Ben.* 1802 *R.* 2. § 9.

40. Removing ſpirits, except to the licenſed ware-houſe, without a paſs, to confiſcation of the ſpirits, boats, carriages, cattle &c. *Beng. Ben.* 1802 *R.* 6. § 14.

41. And relanding without a paſs ſpirits ſhipped for exportation. *Beng. Ben.* 1802 *R.* 2. § 20.

42. For all contraventions, in addition to every other penalty, they are ſubject to forfeiture of licenſe. *Beng. Ben.* 1802 *R.* 2. § 15.

43. For want of punctuality in payment of duties, to a penalty of one Rupee one Anna for each Rupee. *Beng. Ben.* 1802 *R.* 2. § 32.

44. Europeans, retailing out of Calcutta, without a licenſe from the Calcutta Juſtices, liquor made in the European proceſs, are liable to a penalty of 500 Rupees. *Beng. Ben.* 1802 *R.* 2 § 22.

A. D. 1806 45. The Superintendent of ſtamps ſhall be diſmiſſed and held reſponſible for the duty,

if he issue any stampt paper without the prescribed attestation. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 2. A. D. 1806

46. Collectors and their Agents, similarly offending, shall be dismissed and held liable to a penalty of ten times the duty. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 9.

47. Such Agents are liable to a prosecution for breach of trust and to a judgment for the penalty of their obligations. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 5.

48. And any person, vending stampt paper without a Sunnud from the Collector, is liable to a penalty of ten times the duty on all paper sold by him. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 8.

49. Officers of the temple at Jugunnaut, for any deviation from the restrictions regarding fees, shall be dismissed. *Beng.* 1806 *R.* 4. § 6.

50. And for any misconduct, may be fined one month's salary and suspended from office by the Pundits of the temple. *Beng.* 1806 *R.* 4. § 16.

51. Or by the Collector of the pilgrim tax. *Beng.* 1806 *R.* 4. § 20.

52. Lal Jatrees, assuming an inferior appellation to evade the pilgrim tax, shall be made to pay the full tax and a fine equal to double the amount. *Beng.* 1806 *R.* 5. § 2.

3. In Matters of Private Rents.

1. Any landholders, illegally exacting an unauthorized increase of rent from dependant Talooks, are liable to double penalty and costs. *Beng.* 1793 *R.* 8. § 51. *C.* 2. *Ced. Prov.* 1803 *R.* 47 § 6. *C.* 2. A. D. 1793

2. Landholders and farmers, collecting more than is specified in the engagements of under farmers and tenants, are liable to restitution with double penalty. *Beng.* 1793 *R.* 8. § 52. *Ced. Prov.* 1803 *R.* 30. § 2.

3. Imposing any new Abwab on their tenants, a treble penalty. *Beng.* 1793 *R.* 8. § 55. *Ced. Prov.* 1803 *R.* 30. § 5.

4. Refusing to give Pottahs to their tenants, a discretionary fine. *Beng.* 1793 *R.* 8. § 59. *Ced. Prov.* 1803 *R.* 30. § 11.

5. Refusing to give receipts to their tenants, double damages. *Beng.* 1793 *R.* 8. § 63. *C.* 1. *Ben.* 1795 *R.* 2 § 14. *C.* 5.

6. Collectors, improperly summoning Putwarees, are liable to discretionary fine.

Beng.

A. D. 1793 *Beng.* 1793 *R.* 8. § 62. *C.* 4. ext. *Ben* 1795 *R.* 27. § 9. *C.* 4 *Ced Prov.* 1803 *R.* 29. § 2. *C.* 3.

7. Putwarees, not producing accounts on the requisition of the Collector, are subject to imprisonment until compliance. *Beng.* 1793 *R.* 8. § 62. *C.* 5. *Ben.* 1795 *R.* 27. § 9. *C.* 5. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 4.

8. Landholders and farmers, conniving at the alteration of Putwaree's accounts, are liable to discretionary fine. *Beng.* 1793 *R.* 8. § 62. *C.* 8. *Ben.* 1795 *R.* 27. § 9. *C.* 8. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 7.

9. And not appointing Putwarees, are subject to a fine, which shall be doubled on every subsequent offence. *Beng.* 1793 *R.* 8. § 62. *C.* 9. *Ben.* 1795 *R.* 27. § 9. *C.* 9. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 8.

10. Not regulating the instalments of the tenants as ordered by the Regulations, may be sued for damages. *Beng.* 1793 *R.* 8. § 64.

11. Distraining real property, the goods or advances of the Company in a manufacturer's hands, or the looms of weavers, or the tools of tradesmen, are liable to forfeiture of claim, restitution of property or its value, damages, and costs. *Beng.* 1793 *R.* 17. § 3. *Ben.* 1795 *R.* 45. § 3. *Ced. Prov.* 1803 *R.* 28. § 3.

12. Distraining the plough, seed grain and plough cattle of tenants, when there is other tangible property, are subject to damages and costs. *Beng.* 1793 *R.* 17. § 4. *Ben.* 1795 *R.* 45. § 4. *Ced. Prov.* 1803 *R.* 28. § 4.

13. And not releasing the distress on tender of the arrear due. *Beng.* 1793 *R.* 17. § 11. *Ben.* 1795 *R.* 45. § 9. *Ced. Prov.* 1803 *R.* 28. § 9.

14. Or levying an excessive distress. *Beng.* 1793 *R.* 17. § 16. *Ben.* 1795 *R.* 45. § 14. *Ced. Prov.* 1803 *R.* 28 § 14.

15. And entering a dwelling, or breaking open a building not in occupation of, nor containing property of, the defaulter. *Beng.* 1793 *R.* 17. § 21. *Ben.* 1795 *R.* 45. § 19. *Ced. Prov.* 1803 *R.* 28. § 19.

16. Distraining any thing when no arrear is due, are liable to restitution of property or its value, damages and costs. *Beng.* 1793 *R.* 17. § 6. *Ben.* 1795 *R.* 45. § 6. *Ced. Prov.* 1803 *R.* 28. § 6.

17. And distraining without serving notice of the distress, and without furnishing the Agent with the prescribed authority in writing. *Beng.* 1793 *R.* 17. § 8. *Ben.* 1795 *R.* 45. § 8. *Ced. Prov.* 1803 *R.* 28. § 8.

18. And distraining the property of a surety. *Beng.* 1793 *R.* 17. § 10. A. D. 1795 Rescinded 1795 R. 36 § 6.

19. Or after sunset and before sunrise. *Beng.* 1793 *R.* 17. § 17. *Ben.* 1795 *R.* 45. § 15. *Ced. Prov.* 1803 *R.* 28. § 15.

20. And selling distrained property in any but the mode prescribed. *Beng.* 1793 *R.* 17. § 22. *Ben.* 1795 *R.* 45. § 20. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 1. Re-enacted 1795 R. 36 § 6.

21. Or purchasing any of the distrained property. *Beng.* 1793 *R.* 17. § 24. *Ben.* 1795 *R.* 45. § 22. *Ced. Prov.* 1803 *R.* 28. § 22.

22. And opening the outer door of a dwelling or entering the female apartment, are liable to forfeiture of claim, damages, and imprisonment of six months. *Beng.* 1793 *R.* 17. § 21. *Ben.* 1795 *R.* 45. § 19. *Ced. Prov.* 1803 *R.* 28. § 19. Modified 1799 R. 7 § 10.

23. Confining or ill treating the tenants to enforce payment of rent, may be sued for the assault and false imprisonment. *Beng.* 1793 *R.* 17. § 21. *Ben.* 1795 *R.* 45. § 26. *Ced. Prov.* 1803 *R.* 28. § 26.

24. Any person, taking a fraudulent transfer of distrained property from the defaulter, shall be adjudged to restitution of the property and half its value in damages. *Beng.* 1793 *R.* 17. § 18. *Ben.* 1795 *R.* 45. § 16. *Ced. Prov.* 1803 *R.* 28. § 16.

25. Defaulters, resisting the distress, or removing distrained property, are subject to imprisonment till restoration of property or payment of the arrear and costs. *Beng.* 1793 *R.* 17. § 19. *Ben.* 1795 *R.* 45. § 17. *Ced. Prov.* 1803 *R.* 18. § 17. *C.* 1. Modified 1799 R. 7 § 9.

26. Any other person, removing the distrained property, shall be imprisoned till he restore the property or its value, and pay damages equal to its value, with costs. *Beng.* 1793 *R.* 17. § 20. *Ben.* 1795 *R.* 45. § 18. *Ced. Prov.* 1803 *R.* 28. § 18.

27. Cazees, guilty of unfair practices in the appraisement and sale, are liable to damages and costs, and dismission from office. *Beng.* 1793 *R.* 17. § 23. *Ben.* 1795 *R.* 45. § 21. *Ced. Prov.* 1803 *R.* 28. § 21.

28. Or purchasing any of the distrained property, are subject to restoration of the property or its value, and forfeiture of the purchase money, and dismission from office. *Beng.* 1793 *R.* 17. § 24. *Ben.* 1795 *R.* 45. § 22. *Ced. Prov.* 1803 *R.* 28. § 22.

29. Appraisers, purchasing any of the distrained property, are liable to restoration of the property or its value, and forfeiture of the purchase money. *Beng.* 1793 *R.* 17. § 24. *Ben.* 1795 *R.* 45. § 22. *Ced. Prov.* 1803 *R.* 28. § 22.

30. Landholders and farmers in Benares, not giving receipts to the tenants, are liable to a penalty of double the amount. *Ben.* 1795 *R.* 2. § 14. *C.* 5. A. D. 1795.

31. Amils, not giving receipts to the tenants, are liable to discretionary fine. *Ben.* 1795 *R.* 2. § 15. *C.* 1.

A. D. 1795

32. Landholders selling distrained property in any but the authorized mode shall be adjudged to forfeiture of arrear, replacement of the property or its value, and costs. *Beng.* 1795 *R.* 35. § 5. *Ben.* 1795 *R.* 45. § 20. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 1.

Re-enacted 1799 R. 7 § 15 C. 5

33. Landholders, suing the tenants under the summary process for rent not due, are subject to damages with all costs and charges incurred by the suit. *Beng.* 1795 *R.* 35. § 16.

ditto § 16

34. Or procuring the confinement of tenants on such process for an arrear not due, shall be amerced in heavy damages and costs. *Beng.* 1795 *R.* 35. § 18.

A. D. 1799

35. All public officers, employed in the sale of distrained property, are liable, for collusion with either party, to dismission from office, penalties, and damages. *Beng.* 1799 *R.* 7. § 5 *Ben.* 1800 *R.* 5. § 5. *Ced. Prov.* 1803 *R* 28. § 20. *C.* 2.

36. Tenants, resisting the attachment and distraint, are liable to double damages and to a criminal prosecution for breach of the peace. *Beng.* 1799 *R.* 7. § 9. *Ben.* 1800 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 28. § 17. *C.* 2.

37. And resisting the legal authority of landholders, are subject to full damages and costs. *Beng.* 1799 *R.* 7. § 15. *C.* 8. *Ben.* 1800 *R.* 5. § 14. *C.* 8. *Ced. Prov.* 1803 *R* 28. § 32. *C.* 8.

38. Landholders, suing by summary suit where no arrear was due, are liable to full costs and damages. *Beng.* 1799 *R.* 7. § 15. *C.* 5. *Ben.* 1800 *R.* 5. § 14. *C.* 3. *Ced. Prov* 1803 *R.* 28. § 32. *C.* 5.

39. Or procuring the confinement of tenants on summary process for an arrear not due. *Beng.* 1799 *R.* 7. § 16. *Ben.* 1800 *R.* 5 § 15. *Ced. Prov.* 1803 *R.* 28. § 33.

40. Tenants, making unfounded charges against distrainers, shall be punished under the rules of Section 10, Regulation 9 of 1793. *Beng.* 1799 *R.* 7. § 12. *Ben.* 1800 *R.* 5. § 12. *Ced. Prov.* 1803 *R.* 28. § 38.

41. Wantonly summoning the Zemindaree officers, may be sued for damages. *Beng* 1799 *R.* 7. § 12. *Ben.* 1800 *R.* 5. § 12. *Ced. Prov.* 1803 *R.* 28. § 38.

42. Distrainers, illegally opening Zenanas, are liable to heavy damages and forfeiture of claim. *Beng.* 1799 *R.* 7. § 10. *Ben.* 1800 *R.* 5. § 10. *Ced. Prov.* 1803 *R.* 28. § 19. *C.* 2.

43. And attaching the property of a third person, are subject to restitution of full value with costs and damages. *Beng.* 1799 *R.* 7. § 9. *Ben.* 1800 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 28. § 17. *C.* 2.

44.

44. Landholders &c. for abuse of authority are liable to costs and damages and fine to Government. *Beng.* 1799 *R.* 7. § 15. *C.* 8. *Ben.* 1800 *R.* 5. 14. *C.* 8. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 8. A. D. 1799

45. Native Commissioners, keeping an arrested person in custody more than twenty-four hours, are subject to dismission from office and prosecution for false imprisonment. *Beng.* 1799 *R.* 7. § 15. *C.* 2. *Ben.* 1800 *R.* 5. § 14. *C.* 2. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 3.

46. Agents of landholders, fabricating accounts, are liable to dismission and the same penalties with Putwarees. *Beng. Ben.* 1801 *R.* 1. § 8. *Ced. Prov.* 1803 *R.* 29. § 3. *C.* 2. A. D. 1801

47. And landholders, taking such Agents again into their service, are subject to discretionary fine. *Beng. Ben.* 1801 *R.* 1. § 8. *Ced. Prov.* 1803 *R.* 29. § 3. *C.* 2.

III. *IN COMMERCIAL MATTERS.*

1. In Matters of Salt.

1. Salt Agents, using compulsion for the manufacture, are liable to damages and costs on suit, and dismission from office. *Beng.* 1793 *R.* 29. § 4. A. D. 1793

2. Also Assistants and head officers of a Salt Agent, using compulsion themselves. *Beng.* 1793 *R.* 29. § 5. *C.* 1.

3. And for the compulsion used by the officers under them. *Beng.* 1793 *R.* 29. § 5. *C.* 2.

4. Salt Gomastahs, Peons &c. *Beng.* 1793 *R.* 29. § 5. *C.* 2.

5. Salt Contractors, using compulsion, are liable to damages and costs. *Beng.* 1793 *R.* 29. § 6.

6. Salt Overseers &c. receiving perquisites &c. shall be adjudged to quadruple damages, and if an European to dismission. *Beng.* 1793 *R.* 29. § 12.

7. Native officers, conniving at the illicit sale of salt &c. shall be sentenced to double forfeiture, imprisonment of twelve months, and incapacity to serve Government. *Beng.* 1793 *R.* 29. § 15.

8. Salt Agents &c. giving protection to persons not actually in the salt department, are liable to suit for damages. *Beng.* 1793 *R.* 29. § 10.

9.

A D 1793 9. And landholders &c. obstructing the salt manufacture. *Beng.* 1793 *R.* 29. § 16.

Re-enacted 1801 R. 6 § 16 10. Salt officers, not reporting seizures of contraband salt, are liable to damages, dismission and forfeiture of reward. *Beng.* 1793 *R.* 30. § 5. *C.* 2.

ditto § 3 11. The importation of foreign salt is prohibited under penalty of confiscation of the salt. *Beng.* 1793 *R.* 30. § 3.

ditto § 10 12. The illegal transportation of salt is to be punished by confiscation of the boats, carriages, bullocks, cattle &c. *Beng.* 1793 *R.* 30. § 9.

ditto § 6 13. And the illicit manufacture of salt, by confiscation of the salt. *Beng.* 1793 *R.* 30. § 2.

ditto § 7 14. Landholders, not reporting the illicit manufacture of salt, are liable to a penalty of twenty-five per cent on the value of the salt. *Beng.* 1793 *R.* 30. § 7.

ditto § 21 15. Salt officers, making an illegal seizure of salt, may be sued for damages. *Beng.* 1793 *R.* 30. § 30.

Re-enacted 1795 R. 40 § 4 16. Importation of Muscat salt, beyond the authorized quantities, is prohibited under pain of confiscation of the salt. *Beng.* 1793 *R.* 42. § 34. *C.* 3. *R.* 3. § 4. *C.* 4.

A. D. 1795 17. Illegal importation of Muscat salt is prohibited under penalty of confiscation. *Beng.* 1795 *R.* 40. § 4.

18. Merchants, licensed to import salt, are liable to a penalty of 100 Rupees for not painting or for obliterating the ship's name. *Beng.* 1795 *R.* 52. § 4.

19. And for not reporting to the Pilot the quantity of salt on board. *Beng.* 1795 *R.* 52. § 4.

20. Not returning the license after the performance of the voyage, shall forfeit the price of the salt. *Beng.* 1795 *R.* 52. § 6.

21. Retaining more than five Maunds of salt for the ship's use, they are liable to a penalty of ten Rupees per Maund. *Beng.* 1795 *R.* 52. § 9.

22. And for a false report of the quantity on board. *Beng.* 1795 *R.* 52. § 18.

23. For changing the ship's name without leave of the Board of Trade, shall forfeit the license. *Beng.* 1795 *R.* 52. § 5.

24. The Pilot, not forwarding the report received from the Commander of a licensed salt ship, is subject to a fine of five Rupees. *Beng.* 1795 *R.* 52. § 16.

25. Europeans, for illicit importation of salt by sea into Calcutta, shall forfeit the Company's protection. *Beng.* 1795 *R.* 52. § 19.

26.

26. Persons adulterating salt, or selling salt adulterated, are liable to confiscation of the salt, and a penalty of ten Rupees per Maund. *Beng. Ben.* 1800 *R.* 4. § 2. A. D. 1800

27. And the transportation of adulterated salt shall incur confiscation of the cattle, carriages, &c. *Beng Ben* 1800 *R.* 4. § 10.

28. Improper seizures of salt as adulterated shall incur full damages to the party aggrieved. *Beng. Ben.* 1800 *R.* 4. § 5.

29. And groundless suits against confiscations of adulterated salt, are subject to a penalty of fifteen Rupees per Maund. *Beng. Ben.* 1800 *R.* 4. § 6.

30. Persons, importing foreign salt without the sanction of Government, shall incur confiscation of the salt. *Beng.* 1801 *R.* 6. § 3. *Ced. Prov.* 1803 *R.* 39. § 2. & 7. A. D. 1801

31. And Kafea salt into Behar, from Benares. *Beng.* 1801 *R.* 6. § 4. *C.* 6.

32. And Muscat salt beyond a fixed quantity. *Beng.* 1801 *R.* 6. § 5.

33. Or manufacturing salt unless for Government. *Beng.* 1801 *R.* 6. § 6. *Ced. Prov.* 1803 *R.* 39. § 3.

34. Ship owners, importing foreign salt without a license, are liable to confiscation of the ship, unless redeemed by payment of ten Rupees per Maund. *Beng.* 1801 *R.* 6. § 5.

35. All contraventions, which incur confiscation of salt, shall incur an additional penalty of 500 Rupees per 100 Maunds. *Beng.* 1801 *R* 6. § 26.

36. Landholders, permitting private salt works on their estates, are liable to a penalty of 5000 Rupees. *Beng.* 1801 *R.* 6. § 7. *C.* 1.

37. And farmers and Khas officers. *Beng.* 1801 *R.* 6. § 7. *C.* 2.

38. And Lakheraj proprietors. *Beng.* 1801 *R.* 6. § 7. *C.* 3.

39. And managers of disqualified estates. *Beng.* 1801 *R.* 6. § 7. *C.* 4.

40. And landholders, whose estates are farmed, or held Khas, knowing and not informing of such salt works. *Beng.* 1801 *R.* 6. § 7. *C.* 2.

41. Persons, transporting salt without a Ruwana, are liable to confiscation of the salt. *Beng.* 1801 *R.* 6. § 8. *C.* 1. *Ced. Prov.* 1803 *R.* 39. § 6.

42. Or more than the Ruwana. *Beng.* 1801 *R.* 6. § 9. *C.* 1. *Ced. Prov.* 1803 *R.* 39. § 6.

43. Or without producing the Ruwana. *Beng.* 1801 *R.* 6. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 39. § 6.

A. D. 1801

44. Or not in the regular road to the place of destination. *Beng.* 1801 *R.* 6. § 25. *C.* 2.

45. Police officers, detaining salt of their own authority, unless unaccompanied by a Ruwana, are liable to dismission from office and suit for damages. *Beng.* 1801 *R.* 6. § 11. *C.* 3.

46. And native officers of Collectors, Custom-Masters, and Commercial Agents, detaining salt of their own authority. *Beng.* 1801 *R.* 6. § 11. *C* 7.

47. And salt officers not reporting seizures of salt; with the further penalty of forfeiture of reward. *Beng.* 1801 *R.* 6. § 16.

48. Or releasing such seizures; with the further penalty of 250 Rupees per 100 Maunds. *Beng.* 1801 *R.* 6. § 17.

49. Salt officers, making seizures of salt on insufficient grounds, may be sued for damages. *Beng.* 1801 *R.* 6. § 21.

50. The illicit transportation of salt shall incur confiscation of the boats, carriages, cattle, &c. *Beng.* 1801 *R.* 6. § 10.

51. Clandestine dealings in salt by salt merchants incur a penalty of 500 Rupees per 100 Maunds. *Beng.* 1801 *R.* 6. § 29.

52. And by salt officers, a penalty of 500 Rupees per 100 Maunds, and imprisonment of twelve months. *Beng.* 1801 *R.* 6. § 30.

53. Fraudulent transactions in salt Ruwanas, a penalty of 250 Rupees per 100 Maunds. *Beng.* 1801 *R* 6. § 24.

54. Darughas of salt Chokees are liable to a penalty of 250 Rupees per 100 Maunds, and dismission from office, for connivance at smuggling. *Beng.* 1801 *R.* 6. § 28.

55. And quadruple penalty and dismission from office, for receiving gratuities, &c. *Beng.* 1801 *R.* 6. § 31. *C.* 1.

56. Mohurirs &c. of Salt Chokees are subject to a penalty of eight Annas per Maund, for connivance with the Darogha. *Beng.* 1801 *R.* 6. § 31. *C.* 3.

A. D. 1803 Re-enacted 1804 R. 6 § 2

57. Persons in the employ of a civil servant of the Company, purchasing salt at the public sales, are liable to dismission from office and confiscation of the salt. *Ced. Prov.* 1803 *R.* 39. § 19.

Re-enacted 1804 R. 6 § 5

58. And Europeans, besides confiscation, are subject to be otherwise dealt with as Government may order. *Ced. Prov.* 1803 *R.* 39. § 19.

A. D. 1804

59. All salt, imported into the Ceded Provinces before 1st November 1804, except

on account of Government, and imported subsequently without payment of duties, and unaccompanied by a Ruwana, is liable to confiscation. *Ced. Prov.* 1804 *R.* 6. § 4. A. D. 1804

60. And all salt exported without payment of duties. *Ced. Prov.* 1804 *R.* 6. § 7.

61. And exported from the Ceded Provinces into Benares without payment of duties. *Ced. Prov.* 1804 *R.* 6. § 8.

62. Or imported into the Ceded Provinces from Benares. *Ced. Prov.* 1804 *R.* 6. § 9.

63. And all salt illegally imported before the promulgation of this Regulation. *Ced. Prov.* 1804 *R.* 6. § 19.

64. Europeans are prohibited from dealing in salt in the Ceded Provinces, under penalty of confiscation of the salt, and of being otherwise dealt with as Government may order. *Ced. Prov.* 1804 *R.* 6 § 5.

65. Any fraudulent dealings with respect to Chelans, shall be punished under Section 29, Regulation 9 of 1801, as fraudulent dealings with respect to Ruwanas. *Beng.* 1806 *R.* 9. § 5. A. D. 1806

2. In matters of Commerce and Opium.

1. The Company's weavers, selling the Company's cloth to individuals, shall be adjudged to a fine of the produce with costs. *Beng.* 1793 *R.* 31. § 3. *C.* 6. *Ced. Prov.* 1803 *R.* 37. § 3. *C.* 6. ext. *Ben.* 1805 *R.* 4. § 2. A. D. 1793

2. And failing in their deliveries to the Company, shall be adjudged to a penalty of 35 per cent. *Beng.* 1793 *R.* 31. § 3. *C.* 7. *Ced. Prov.* 1803 *R.* 37. § 3. *C.* 7. ext. *Ben.* 1805 *R.* 4. § 2.

3. Persons, purchasing from weavers the Company's cloths, may be sued for damages. *Beng.* 1793 *R.* 31. § 5. *Ced. Prov.* 1803 *R.* 37. § 5. ext. *Ben.* 1805 *R.* 4. § 2.

4. And landholders &c. obstructing the Company's investment. *Beng.* 1793 *R.* 31. § 6. *Ced. Prov.* 1803 *R.* 37. § 6. ext. *Ben.* 1805 *R.* 4. § 2.

5. And Commercial Agents, giving protection to weavers not actually in the Company's employ. *Beng.* 1793 *R.* 31. § 10. *C.* 10. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 10. ext. *Ben.* 1805 *R.* 4. § 2.

6. Gomashtas &c. for illegal acts in respect to the investment, are liable to double forfeiture, imprisonment of twelve months, and incapacity to serve Government. *Beng.* 1793 *R.* 31. § 13. *Ced. Prov.* 1803 *R.* 37. § 13. ext. *Ben.* 1805 *R.* 4. § 2.

A. D. 1792 Expired

7. The Opium Contractor is liable to a penalty of 750 Rupees per cheſt, for illegally ſelling opium. *Beng.* 1793 *R.* 32. § 2. *C.* 9. *Ben.* 1795 *R.* 32. § 2 *C.* 8.

ditto

8. And 300 Rupees per cheſt, for deficiency in his deliveries; or repayment of advances with eight per cent intereſt, if occaſioned by calamity of ſeaſon. *Beng.* 1793 *R.* 31. § 2. *C.* 7. *Ben.* 1795 *R.* 32. § 2. *C.* 7.

ditto

9. For illegal exactions from the opium Rayats, he is liable to reſtitution with treble penalty and coſts. *Beng.* 1793 *R.* 32. § 2. *C.* 15. *Ben* 1795 *R.* 32. § 2. *C.* 22.

ditto

10. For confining &c. opium Rayats, a treble penalty with damages and coſts. *Beng.* 1793 *R.* 32. § 2. *C.* 10. *Ben.* 1795 *R.* 32 § 2. *C.* 15.

Re enacted 1799 R. 6 § 8

11. For uſing illegal weights and ſcales, a diſcretionary fine. *Beng.* 1793 *R.* 32. § 2. *C.* 20. *Ben.* 1795 *R.* 32. § 2. *C.* 15.

Expired

12. For uſing adulterated and condemned opium in his deliveries, a diſcretionary fine. *Beng.* 1793 *R.* 32. § 2. *C.* 23. *Ben.* 1795 *R.* 32. § 2. *C.* 21.

Re-enacted 1799 R. 6 § 9

13. Opium Rayats, for failure in deliveries, ſhall be adjudged to repayment of advances with eight per cent intereſt; or, if it aroſe from neglect, twelve per cent intereſt. *Beng.* 1793 *R.* 32. § 2. *C.* 21. *Ben.* 1795 *R.* 32. § 2. *C* 17 & 18.

ditto

14. For embezzlement, four Rupees per Seer if the opium be ſeized, and ten Rupees per Seer if not ſeized. *Beng.* 1793 *R.* 32. § 2 *C.* 21. *Ben.* 1795 *R.* 32 § 2. *C.* 18.

ditto § 11

15. For adulterating the opium, confiſcation of the opium. *Beng.* 1793 *R.* 32. § 2. *C.* 23. *Ben.* 1795 *R.* 32. § 2. *C.* 21.

ditto § 12

16. Landholders &c. for illegal exactions from the opium Rayats, may be ſued for damages. *Beng.* 1793 *R.* 32. § 2 *C.* 24.

ditto § 17

17. For permitting the ſale of ſmuggled opium in their eſtates, they are liable to a penalty of ten Rupees per Seer. *Beng* 1793 *R.* 32. § 5. *Ben* 1795 *R.* 32. § 4.

Expired

18. The Contractor of Benares opium, importing Behar opium, is liable to confiſcation of the opium. *Beng.* 1793 *R.* 32. § 3. *Ben.* 1795 *R.* 32. § 2. *C.* 11.

ditto

19. And the Contractor of Behar or Bengal opium, importing Benares opium. *Beng.* 1793 *R.* 32. § 2. *C.* 10.

Re-enacted 1793 R. 6 § 18

20. Britiſh ſubjects, illegally trading in opium, ſhall forfeit their licenſe and be ſent to Europe in addition to other penalties. *Beng.* 1793 *R.* 32. § 4. *Ben.* 1795 *R.* 32. § 3.

ditto § 17

21. All other perſons, illegally trading in opium, are liable to a penalty of four Rupees per Seer if the opium be ſeized, and ten Rupees per Seer if not ſeized. *Beng.* 1793 *R.* 32. § 5. *Ben.* 1795 32. § 4.

22.

22. Persons, cultivating opium without apprizing the Contractor, are subject to the same penalty as for illegal sale of opium. *Beng. Ben.* 1795 *R.* 53. § 3. C. 2.

23. Importation of opium, from the Vizir's country, into the Company's Provinces, is prohibited under the penalties specified in Sections 4 and 5, Regulation 32 of 1793, or Sections 3 and 4, Regulation 32 of 1795. *Beng. Ben.* 1797 *R.* 1. § 8. A. D. 1797

24. All illegal trade to the frontier of Silhet shall be punished by confiscation of goods. *Beng.* 1799 *R.* 1. § 4. A. D. 1799

25. Police officers and informers in Silhet, making improper seizures in such trade, may be sued for damages. *Beng.* 1799 *R.* 1. § 5.

26. The poppy cultivators, not cultivating the number of Beghas engaged for, are liable to a penalty of three times the advances. *Beng. Ben.* 1799 *R.* 6. § 6.

27. For failures in delivery, to repayment of advances with twelve per cent interest. *Beng. Ben* 1799 *R.* 6. § 9.

28. For embezzling opium, to a penalty of four Rupees per Seer when the opium is seized, and of 10 Rupees per Seer when not. *Beng. Ben.* 1799 *R.* 6. § 9.

29 Adulterating the opium, to confiscation of the opium. *Beng. Ben.* 1799 *R.* 6. § 11.

30. Cultivating the poppy except for Government, to a penalty of four Rupees per Seer. *Beng. Ben.* 1799 *R.* 6. § 15.

31. Officers of opium Agents, taking perquisites, shall be adjudged to quadruple restitution and dismission. *Beng. Ben.* 1799 *R.* 6. § 7.

32. Opium Agents &c. using illegal scales and weights, to discretionary fine. *Beng. Ben.* 1799 *R.* 6. § 8.

33. The importation of opium from foreign countries, and the use of all opium except made or sold by authority of Government, is prohibited under pain of confiscation. *Beng. Ben.* 1799 *R.* 6. § 16. *Ced. Prov* 1803 *R.* 41. § 9.

34. And the transportation of it, under penalty of confiscation of the boats, cattle &c. *Beng. Ben.* 1799 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 41. § 13.

35. Natives, purchasing smuggled opium, are liable to a penalty of four Rupees per Seer when the opium is seized, and of ten Rupees when not. *Beng. Ben.* 1799 *R.* 6. § 17. *Ced. Prov.* 1803 *R.* 41. § 10.

36. British subjects, to forfeiture of the Company's protection besides the prescribed penalties. *Beng. Ben.* 1799 *R.* 6. § 18. *Ced. Prov.* 1803 *R.* 41. § 11.

A. D. 1793 37. Landholders, for exactions on poppy Rayats, may be sued for the exaction. *Beng. Ben.* 1799 *R.* 6. § 12.

38. And for conniving at the smuggling of opium, are liable to a penalty of ten Rupees per Seer. *Beng. Ben.* 1799 *R.* 6. § 17. *Ced. Prov* 1803 *R.* 41. § 10.

A. D. 1803 39. All persons cultivating the poppy in the Ceded Provinces are liable to a penalty of ten Rupees per Begha if the poppy be still growing, (which shall be destroyed), or if the opium can be seized, (which shall be confiscated); and to a penalty of sixteen Rupees per Begha if not. *Ced. Prov.* 1803 *R.* 41. § 3.

40. Landholders and farmers, conniving at such cultivation, are liable to the same penalty. *Ced. Prov.* 1803 *R.* 41. § 4.

41. And Police officers, besides dismission from office. *Ced Prov.* 1803 *R.* 41. § 6.

42. The exportation of opium from the Ceded Provinces into Bengal, Behar, Orissa and Benares, is prohibited under pain of confiscation. *Ced. Prov.* 1803 *R.* 41. § 9.

43. Informers, giving false or groundless information of illicit cultivation of poppy or dealings in opium, shall be adjudged to pay damages and the charges incurred by the information. *Ced. Prov.* 1803 *R.* 41. § 20.

3. In matters of the Customs.

A. D. 1793 Rescinded 1801 *R.* 4 § 2 1. Native officers of the Manjee Custom-house, for undue exactions, shall be adjudged to restitution and fine of six months salary. *Beng.* 1793 *R.* 42. § 16.

ditto 2. Merchants, attempting to pass the Manjee Custom-house, shall be liable to double duties. *Beng.* 1793 *R.* 42. § 8.

ditto 3. Or understating the quantity of goods. *Beng.* 1793 *R.* 42. § 11.

Re-enacted 1795 *R.* 29 § 4 C. 5 4. Or importing at Calcutta more than manifested. *Beng.* 1793 *R.* 42. § 23. *C.* 2.

Rescinded 1801 *R.* 11 § 2 5. Merchants, whose boats are stopped after passing the Manjee Custom-house, are liable to confiscation of goods. *Beng.* 1793 *R.* 42. § 10.

Re-enacted 1795 *R.* 3, § 16 C. 8 6. Or attempting to pass the Calcutta Custom-house. *Beng.* 1793 *R.* 42. § 11.

Rescinded 1801 *R.* 11 § 2 7. And for undervaluing their goods at the Manjee Custom-house. *Beng.* 1793 *R.* 42. § 11.

Re-enacted 1801 *R.* 5 § 6 C 10 8. Or undervaluing their goods at the Calcutta Custom-house. *Beng.* 1793 *R.* 42. § 45.

ditto § 6 C. 16 9. Attempting to pass goods at Calcutta without a Ruwana. *Beng.* 1793 *R.* 42. § 46.

10. Or for duly entering goods at the Calcutta Custom-house. *Beng.* 1795 R. 3. § 28. C. 4.

11. Native officers of the Benares Custom-house, for irregularities in Rawanas, shall be liable to a fine of twenty Rupees for the first offence and dismission for the second. *Ben.* 1795 R. 3. § 4. *Ced. Prov.* 1803 R. 38. § 7.

12. And for detaining goods beyond one day, to a fine equal to the loss, or suit for damages. *Beng.* 1795 R. 3. § 5. *Ced. Prov.* 1803 R. 38. § 8.

13. For illegal exactions, to treble fine and dismission, or suit for damages. *Ben.* 1795 R. 3. § 12.

14. The Darogha of a Benares Custom-house is liable to the above penalty for any illegal exaction by his inferior officers. *Ben.* 1795 R. 3. § 14.

15. And the inferior officers, for their own illegal exactions, to dismission and reimbursement of penalty at the suit of the Darogha. *Ben.* 1795 R. 3. § 14.

16. The transportation of military stores, private property, in Benares, is prohibited under pain of confiscation of the goods. *Ben.* 1795 R. 3. § 17. *Beng.* 1801 R. 11. § 23. *Ced. Prov.* 1804 R. 11. § 24.

17. Merchants, who may attempt to pass the Benares Custom-house, are liable to double duties. *Ben.* 1795 R. 3. § 7. C. 2.

18. Or to pass a subordinate Custom-house Chokee in Benares. *Ben.* 1795 R. 3. § 7. C. 3.

19. For wrong specification of value or quantity of goods, are liable to double duties on the excess if one-sixth, on the whole if one-fourth, and to confiscation if more. *Ben.* 1795 R. 3. § 8. *Ced. Prov.* 1803 R. 38. § 11.

20. For fraudulent statements of sugar, to confiscation of the goods. *Ben.* 1795 R. 3. § 11. C. 6.

21. Landholders in Benares, collecting Rahdaree duties, shall be adjudged to a penalty of treble the exaction. *Ben.* 1795 R. 4. § 6.

22. And establishing Chokees for collecting Rahdaree duties, to restitution to the party and prosecution by the Collector. *Ben.* 1795 R. 4. § 10.

23. Amils in Benares, collecting Rahdaree duties, are subject to a penalty of treble the exaction. *Ben.* 1795 R. 4. § 7.

24. Or any other persons. *Ben.* 1795 R. 4. § 4.

25. Merchants, landing goods in Calcutta, not included in their manifest, are liable to confiscation of the goods. *Beng.* 1795 R. 39. § 4. C. 5.

26.

A. D. 1795 26. Or attempting to pass Calcutta from the interior without the Custom-master's permission. *Beng.* 1795 *R.* 39. § 16. *C.* 8.

27. Or to export opium not purchased at the Company's sales. *Beng.* 1795 *R.* 39. § 17. *C.* 4.

28. Or to ship goods, without certificate, after the ship shall have got her port clearance. *Beng.* 1795 *R.* 39. § 18. *C.* 4.

29. And shipping more piece goods than contained in the Chelans, are liable to confiscation of the day's dispatch and double duties on goods already shipped. *Beng.* 1795 *R.* 39. § 16. *C.* 6.

30. Or more gruff goods. *Beng.* 1795 *R.* 39. § 16. *C.* 7.

A. D. 1797 31. Officers of Customs, giving unstampt Ruwanas, shall be dismissed from office. *Beng. Ben.* 1797 *R.* 6. § 24. *C.* 4.

32. Importation of foreign indigo into Behar as Benares indigo is prohibited under pain of confiscation. *Beng. Ben.* 1797 *R.* 9. § 5.

33. For nonpayment of bonded duties on such indigo, a penalty shall be taken of double the amount. *Beng. Ben.* 1797 *R.* 2. § 7

A. D. 1800 34. The Daroghas at the stone quarries in Benares, are liable to the same penalties, for illegal exactions, as officers of Courts for corruption. *Ben.* 1800 *R.* 2. § 9.

35. Persons, attempting to defraud the duties at the stone quarries, incur confiscation of the stones, cattle, carriages &c. *Beng.* 1800 *R.* 2. § 11.

36. Masters of ships, not delivering to the Calcutta Custom-house, a true manifest of goods on freight, are liable to a penalty equal to the value of the goods. *Beng.* 1800 *R.* 11. § 3. *C.* 2.

37. And not giving a true manifest of their own goods, are subject to confiscation of the goods. *Beng.* 1800 *R.* 11. § 3. *C.* 2.

38. Also officers of the Company's ships. *Beng.* 1800 *R.* 11. § 3. *C.* 4.

39. Merchants, not producing invoices at the Custom-house, incur the penalty of an extra half duty and commission. *Beng.* 1800 *R.* 11. § 4. *C.* 3.

40. Transferring, without a pass, goods from one ship to another, they incur double duty and commission. *Beng.* 1800 *R.* 11. § 6.

A. D. 1801 41. Persons, undervaluing their goods at the Calcutta Custom-house in respect of the town duties, are liable to double duty and commission. *Beng.* 1801 *R.* 5. § 6. *C.* 10.

42.

42. Attempting to pafs Calcutta without payment of town duties, incur confifcation of the goods. *Beng.* 1801 *R.* 5. § 6. *C.* 16. A. D. 1801

43. Alfo attempting to enter Calcutta without payment of town duties. *Beng.* 1801 *R.* 5. § 10.

44. Perfons, undervaluing their goods to evade city duties, are liable to double duty and commiffion. *Beng. Ben.* 1801 *R.* 10. § 14. *Ced. Prov.* 1805 *R.* 6. § 21.

45. Or attempting to pafs at a Government Cuftom-houfe goods fuperior in value to thofe fpecified in their application. *Beng.* 1801 *R.* 11. § 13. *C.* 3. *Ced. Prov.* 1804 *R.* 11. § 26. *C.* 3.

46. And goods fuperior to the fpecification in the Ruwana. *Beng.* 1801 *R.* 11. § 14. *C.* 2. *Ced. Prov.* 1804 *R.* 11. § 27. *C.* 2.

47. Or attempting to pafs more goods into a city than mentioned in the Chelans, are liable to confifcation of goods. *Beng. Ben.* 1801 *R.* 10. § 15. *Ced. Prov.* 1805 *R.* 6. § 22.

48. Or to pafs goods into a city without payment of duties. *Beng. Ben.* 1801 *R.* 10. § 22. *Ced. Prov.* 1805 *R.* 6. § 29.

49. Attempting to pafs the Government Cuftom-houfe Chokees. *Beng.* 1801 *R.* 11. § 11.

50. Or paffing more goods than fpecified in the Ruwanas. *Beng.* 1801 *R.* 11. § 14. *C.* 2. *Ced. Prov.* 1804 *R.* 11. § 27. *C.* 2.

51. Cuftom-houfe officers, exacting illegal duties at a city Cuftom-houfe, are liable to a fine of fix months falary. *Beng.* 1801 *R.* 10. § 28. *Ced. Prov.* 1805 *R.* 6. § 35.

52. Or at Government Cuftom-houfes. *Beng.* 1801 *R.* 11. § 19. *Ced. Prov.* 1804 *R.* 11. § 31.

53. Allowing their official feal to be out of their poffeffion, they incur a fine of twenty Rupees for the firft offence, and difmiffion from office for the fecond. *Beng.* 1801 *R.* 11. § 13. *C.* 6. *Ced. Prov.* 1804 *R.* 11. § 26. *C.* 6.

54. All fraudulent dealings with refpect to Chelans fhall be punifhed under Section 29, Regulation 6 of 1801, as fraudulent dealings with refpect to Ruwanas. *Beng.* 1806 *R.* 9. § 5. A. D. 1806

PENSIONS.

1. The Collector of Revenue is to pay penfions included in the public revenue, or chargeable thereon. *Beng.* 1793 *R.* 2. § 8. *C.* 6. *Ben.* 1795 *R.* 5. § 7. *C.* 6. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 6. A. D. 1793

A. D. 1793

2. Pensions and other allowances, formerly paid by landholders, are to be paid by the Collectors. *Beng.* 1793 *R.* 8. § 34.

3. Unless specially entrusted by Government to the landholders in Bengal. *Beng.* 1793 *R.* 8. § 74.

4. Or in Midnapoor. *Beng.* 1793 *R.* 8. § 97.

Modified by R. 12 § 7

5 No pension is to be confirmed by the Board of Revenue to the heirs of a deceased pensioner, without the sanction of Government. *Beng.* 1793 *R.* 2. § 46.

6. Pensions, granted previous to the Company's Dewannee, or with the sanction of Government, are to be continued during the life of the grantees: where the amount received is less than the grant, the former is to be continued. *Beng.* 1793 *R.* 24. § 2.

7. Pensions, not so sanctioned, are to be discontinued, unless the pensioners be real objects of charity, or were in the receipt of the pension before 1179 and have continued to receive it since. *Beng.* 1793 *R.* 24. § 3.

8. No pensions shall be paid to the heir of deceased grantees without the sanction of Government. *Beng.* 1793 *R.* 24. § 4.

9. None, except the pensions formerly paid by the landholders or received from the abolished Sayer, are included in this Regulation. *Beng.* 1793 *R.* 24. § 9.

Superseded by R. 21 § 8

10. Any person, claiming a pension, is to prefer the claim to the Collector; who may decide on claims not exceeding fifty Rupees per annum subject to an appeal to the Board of Revenue, and further appeal to Government, if made in one month. *Beng.* 1793 *R.* 24. § 5. *Ced. Prov.* (not exceeding 100 Rupees) 1803 *R.* 24. § 17.

11. Collectors are to report, with their opinion, claims exceeding fifty Rupees to the Board of Revenue; who shall submit the case, with their sentiments, for the orders of Government. *Beng.* 1793 *R.* 24. § 7. *Ced. Prov.* (exceeding 100 Rupees) 1803. *R.* 24. § 19.

12. Collectors are to keep separate proceedings regarding pensions, and submit a monthly abstract thereof to the Board. *Beng.* 1793 *R.* 24. § 6. *Ced. Prov.* 1803 *R.* 24. § 18.

13. Such claims are not cognizable in Civil Courts; except in the case of withholding payment of an authorized pension; when the Court may order the payment, if withheld on insufficient grounds, with costs. *Beng.* 1793 *R.* 24. § 17. *Ben.* 1795 *R.* 34. § 14. *Ced. Prov.* 1803 *R.* 24. § 16.

14. Collectors are not to pay any pension not already authorized, till it shall have been decreed, or till they have notice of its being allowed by Government. *Beng.* 1793; *R.* 24. § 8.

15. And on decreeing a pension, or on receiving notice of a pension being decreed in appeal by the Board, or allowed by Government, they are to give the party a certificate. *Beng.* 1793 *R.* 24. § 10. *Ben.* 1795 *R.* 34. § 8. *Ced. Prov.* 1803 *R.* 24. § 10. A. D.

16. Similar certificates are to be given for pensions already authorized. *Beng.* 1793 *R.* 24. § 11.

17. These certificates are to be numbered and registered, with the personal identification of the parties, in a Persian and English register. *Beng.* 1793 *R.* 24. § 12. *Ben.* 1795 *R.* 34. § 9. *Ced. Prov.* 1803 *R.* 24. § 11.

18. Pensions are to be paid quarterly. *Beng.* 1793 *R.* 24. § 13. *Ben.* (monthly) 1795 *R.* 34. § 10. *Ced. Prov.* (half yearly) 1803 *R.* 24. § 12.

19. Pensioners, whose pensions exceed fifty Rupees per annum, are to receive payment in person from the Collectors, unless prevented by cause satisfactorily proved; in which case payment may be made to a Vakeel: but Collectors are to be careful in preventing imposition, and are to ascertain and report the death of any pensioner, or his not claiming payment in six months. *Beng.* 1793 *R.* 24. § 14. *Ben.* 1795 *R.* 34. § 11. *Ced. Prov.* (exceeding 100 Rupees) 1803 *R.* 24. § 13.

20. Pensions, not exceeding fifty Rupees, are to be paid by the Cazees, on a list furnished by the Collectors with the necessary funds; and the Cazees are to take precautions against imposition, and report to the Collector the death of any pensioner: and Cazees, guilty of dishonest acts herein, will be dismissed on proof to the satisfaction of Government. *Beng.* 1793 *R.* 24. § 15. *Ben.* 1795 *R.* 34. § 12. *Ced. Prov.* (not exceeding 100 Rupees) 1803 *R.* 24. § 14. *C.* 2.

21. And, where there may be no Cazee, by the Tehsildar; and if there be no Tehsildar, by any other trustworthy person. *Beng.* 1793 *R.* 24 § 16. *Ben.* 1795 *R.* 34. § 13 *Ced. Prov.* 1803 *R.* 24. § 14. *C.* 2.

22. Pensions in Benares, granted by Government in 1781 to dispossessed Aimadars, are not resumable, and may be inherited and sued for as other property. *Ben.* 1795 *R.* 34. § 2. A. D. 1795

23. But those granted to dispossessed Zemindars are not inheritable without the special sanction of Government. *Ben.* 1795 *R.* 34. § 3.

24. The continuance of the pensions formerly paid by the Amils depends on the terms of the grant; and the death of all such pensioners is to be reported, with the conditions of the grant, by the Collector, to the Board, for the orders of Government. *Ben.* 1795 *R.* 34. § 4.

Ben 1795 25. The amount of pensions granted by Government in 1791 from the abolished Sayer, is not to be increased beyond its present aggregate, except by order of Government; and the death of all such pensioners is to be reported to Government through the Board by the Collector, with all particulars of the grant and with the recommendation of another object of charity, for the lapsed allowance, who, if approved by Government, shall receive a descriptive certificate from the Collector. *Ben* 1795 *R.* 34. § 6.

26. The fixed allowance, to the Cazee and Muftee, for Khelat Eedain, is to be defrayed by the Collector *Ben.* 1795 *R* 34 § 5.

27. And the Bindabasnee offerings at Mirzapoor are to be distributed by him, under the orders of the Board and Government, to whom complaints on this subject, which may be preferred to the Civil Courts, shall be forwarded *Ben* 1795 *R.* 35 § 7.

A.D. 1803 28. Pensions in the Ceded Provinces, granted by the former Government as indemnification for resumed Altumgha &c, on Sunnuds conferring a right in perpetuity, are not resumable, and may be inherited and sued for as other property *Ced. Prov.* 1803 *R.* 24 § 2.

29. And may be received through a Vakeel, or assigned to another person by regular deed. *Ced Prov* 1803 *R* 24 § 15

30. Pensions, granted as indemnification for resumed land, held on a life tenure, shall be continued during the life of the persons who were in the receipt thereof at the time of the cession, whether original grantees or their heirs. *Ced Prov.* 1803 *R* 24 § 3.

31. Pensions, granted on life certificates by the former Government, or by the Amils, if admitted by Government in the Amils' accounts, and received during three years prior to the cession, shall be continued during the life of the person who was in the receipt thereof at the time of the cession. *Ced Prov.* 1803 *R.* 24 § 5 *C.* 1.

32. The Collectors shall submit, through the Board, for the orders of Government, any claim to a pension not received during three years previous to the cession, if of opinion that it merits the consideration of Government *Ced. Prov* 1803 *R* 24 § 5 *C.* 2.

33. Pensions for lighting or repairing Mosques &c, or for the Mohurrem ceremonies, shall be continued but the Collectors will be responsible for their being applied to the proper purpose. *Ced Prov.* 1803 *R* 24 § 6.

34 The Khelat Eedain to the Cazees and Muftees are to be defrayed by the Judges and Magistrates, at the usual rates. *Ced Prov.* 1803 *R.* 24. § 4.

35. Where written certificates cannot be produced, prescriptive right shall be deemed a good title. *Ced. Prov* 1803 *R* 24 § 7.

36.

36. The amount actually received, if less than the amount of the certificate, or the amount of the certificate, if less than the amount received, shall be the standard for fixing the sum to be paid to pensioners. *Ced. Prov.* 1803 *R.* 24. § 8.

37. All pensions shall be issued from the Zilla Treasuries. *Ced. Prov.* 1803 *R.* 24. § 9.

38. Pensions in Cuttack, granted by the Government of Berar, previous to 14th October 1803, shall be continued to the present incumbents; and shall descend to their heirs, or revert to Government, as may appear proper to the Governor General in Council: and pensions, received during three years antecedent to 14th October 1803, under whatever authority, shall be also continued to the incumbents, but shall revert to Government on their death, unless the Governor General in Council shall see reason for continuing them to the heirs. Nothing herein is to authorize the resumption of the established donation to the temples of Jugunnaut, Unsuttur and Seetaram. *Beng.* 1805 *R.* 12. § 30. A. D. 1805.

39. On any claim being preferred to a pension in the Ceded or Conquered Provinces, or Bundelkhund, not exceeding 100 Rupees, the Collector, after inquiring into the merits of the claim, shall submit his proceedings, with an opinion on the case, to the Board of Revenue, who shall finally decide, whether to admit the claim, or otherwise. *Beng. Ben. Ced. Prov.* 1806 *R.* 22 § 2. A. D. 1806.

40. The Collectors in Bengal, Behar, Benares and Orissa, including Cuttack, are similarly to submit to the Board, for their final decision, the proceedings on claims to pensions not exceeding 50 Rupees. *Beng. Ben.* 1806 *R.* 22 § 3.

41. The appeal, allowed by Section 5, Regulation 24 of 1793, and Section 17, Regulation 24 of 1803, from the decision of the Collector and Board to the Governor General in Council, is superseded. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 3.

42. Any decisions, already passed by the Collectors on claims to pensions within the above specified sums, are not to be affected hereby: but the Collectors are to report in three months, to the Civil Auditor, a list of all pensions adjudged by them, or authorized by Government; and the Auditor is to be guided by such list in auditing the pensions, applying to the Board for orders in any case of doubt. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 4.

43. The Board of Revenue, on authorizing a pension not exceeding the above specified sums, shall notify it to the Civil Auditor: and pensions, authorized by the Governor General in Council, will be similarly notified to him; and no pension shall be considered to be authorized, except when so confirmed. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 5.

A. D. 1806 44. Collectors are to furnish the Civil Auditor with all other accounts or information which he may require; and shall adhere to any forms which he may prescribe. *Beng. Ben. Ced. Prov.* 1806 *R.* 22 § 6.

45. On the death of a person entitled to a pension not exceeding the above specified amounts, the Board, after receiving the Collector's report, shall decide whether the pension, or any part of it, shall be continued to his heirs, but shall not confirm any such pension, except on the ground of poverty, or other substantial title to the indulgence of Government; and all applications for the continuance of pensions, exceeding those sums, are to be reported to the Governor General in Council for his orders. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 7.

46. Collectors are to ascertain whether the persons now receiving pensions are the individuals to whom the pensions were originally adjudged, and are to discontinue the payment, in case the original parties are dead, until the continuance or otherwise of the whole or a part shall be determined. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 8.

47. All pensions shall, where practicable, be commuted for grants of waste land, to be held free of rent by the grantees and their heirs in perpetuity, provided that it can be done with the consent of the pensioner himself; or, in case of religious endowments and hereditary pensions, with the consent of the successor. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 9.

48. In such cases the Collector shall ascertain, through his own officers, or through the Collectors of other districts, and report to the Board, where lands, capable of cultivation, and conveniently situated for the party, can be obtained. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 10.

49. And the Board shall report their opinion to Government, with a draft of a Sunnud for the land, according to the purposes of the grant, and the wishes of the parties; which Sunnuds are to be signed by the Chief Secretary, or the Secretary in the Revenue and Judicial Department, by order of the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 11.

50. The quantity of land so granted shall be such, that the rents, when brought into cultivation, shall be equivalent for the amount of the pension: but the Governor General in Council may increase or diminish that quantity, and will authorize the payment of a sum of money, not exceeding one year's pension, for bringing the lands into cultivation. *Beng. Ben. Ced. Prov.* 1806 *R.* 22. § 12.

PERJURY.

A. D. 1793 1. Witnesses, or other persons, guilty of corrupt perjury, in any matter in a City or Zilla Court of Civil Judicature, are to be committed to close custody for trial

before

before the Court of Circuit. *Beng.* 1793 *R.* 6. § 62. *Ben.* 1795 *R.* 2. § 9. *Ced. Prov.* 1803 *R.* 3. § 8.

2. In a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 20. *ext. Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 20.

3. Or in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 18. *ext. Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 18.

4. Putwarees, swearing to accounts fabricated, altered, or not true, shall be committed for trial before the Court of Circuit for perjury. *Beng.* 1793 *R.* 8. § 62. *C.* 7. *Ben.* 1795 *R.* 27. § 9. *C.* 7. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 6.

5. The Collectors may prosecute such Putwarees for perjury through the Vakeel of Government. *Beng.* 1793 *R.* 8. § 62. *C.* 8. *Ben.* 1795 *R.* 27. § 9. *C.* 8. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 7.

6. The Regulating Officer of invalid T'hanas may prosecute, through the Vakeel of Government, inhabitants of the invalid T'hanas guilty of perjury when sworn to give evidence before him. *Beng.* 1793 *R.* 43. § 14. Reg. 1804 R. 7.

7. On conviction for perjury, the law officer shall be required to declare whether the prisoner be liable to Teshheer according to the opinion of Haneefa, as well as to corporal punishment and imprisonment according to the opinion of Yusef and Muhamed: and the Circuit Judge shall sentence the prisoner to either punishment, or to the whole punishment, according to the condition of the party, and the circumstances of the case. *Beng. Ben.* 1797 *R.* 17. § 2. *Ced. Prov.* 1803 *R.* 7. § 40. A. D. 1797.

8. In addition to the sentence of Teshheer, the Judge may order the crime to be imprinted on the prisoner's forehead by the process called Godena: but Judges are to observe the utmost caution in the use of this discretion, and are to record the grounds of the order. *Beng. Ben.* 1797 *R.* 17. § 3.

9. Perjury is declared to be the wilful delivery of false evidence on oath, or under a solemn obligation deemed equivalent to an oath, in some judicial proceeding, and in a matter material to the issue thereof. *Beng. Ben.* 1797 *R.* 17. § 2. *Ced. Prov.* 1803 *R.* 7. § 40.

10. All Zemindaree officers, as well as Putwarees, are liable to the punishment of perjury for fabricating or altering accounts, or delivering other than the true accounts. *Beng. Ben.* 1801 *R.* 1. § 8 *Ced. Prov.* 1803 *R.* 29. § 3. *C.* 2. A. D. 1801.

11. Magistrates are not to receive any charge of perjury preferred by parties in civil suits, against their own witnesses, or the witnesses of the adverse party, nor any charge of subornation of perjury against the adverse parties: and neither plaintiffs, defendants,

A. D. 1801 fendants, nor witneſſes, ſhall be liable to ſuch proſecutions, unleſs committed for trial by the Judge, under Section 14, Regulation 4 of 1793. *Beng. Ben.* 1801 *R.* 3. § 2.

PERSONAL PROPERTY.

I. *S U I T S.*

A. D. 1793 1. Suits, regarding the ſucceſſion or right to perſonal property, debts, accounts, contracts, partnerſhips &c. are cognizable in the Zilla or City Courts. *Beng.* 1793 *R.* 3. § 8. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 5.

Modified 1794 R. 8. § 6. & 8. 2. Subject to an appeal to Provincial Courts of Appeal. *Beng.* 1793 *R.* 3. § 20. *Ben.* 1795 *R.* 7. § 12.

Modified 1796 R. 13 § 2. 3. Deciſions appealed, may be executed or not in the diſcretion of the Court, taking ſufficient ſecurity from the appellant in an amount equal to the money or value decreed, if the decree remain unexecuted, and ſimilar ſecurity from the reſpondent if it be executed. *Beng.* 1793 *R.* 5. § 12. ext. *Ben.* 1795 *R.* 9 § 6.

ditto 4. And deciſions of Provincial Courts of Appeal for money or perſonal property, when appealed to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 10. ext. *Ben.* 1795 *R.* 10. § 2.

Re-enacted 1797 R. 12 § 2 5. Decrees of Provincial Courts of Appeal are final for perſonal property not exceeding 1000 Rupees. *Beng.* 1793 *R.* 5. § 30. ext. *Ben.* 1795 *R.* 9 § 6.

6. And decrees exceeding the limited amount are appealable to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 10. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 10. *C.* 1.

Modified 1797 R. 16 § 1 7. Decrees of the Sudder Dewannee Adaulut are final in all caſes. *Beng.* 1793 *R.* 6. § 29. ext. *Ben.* 1795 *R.* 10. § 2.

8. The plaint in a perſonal ſuit is to ſtate, according to the neareſt eſtimate, the exact ſum of money or amount in which the plaintiff is endamaged. *Beng.* 1793 *R.* 4. § 3 ext. *Ben* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 3.

9. Decrees for perſonal property, or a ſum of money, are to be executed by cauſing the ſpecific thing decreed to be delivered, or its value; or the ſum of money to be levied by public ſale of the defendant's lands, houſes or other effects real or perſonal, or if neceſſary by ſale of his effects and attachment of his perſon. *Beng.* 1793 *R.* 4. § 7. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 9.

Re-enacted 1794 R. 8 § 2 & in Ben. 1795 R. 54 § 2 C. 2 10. Suits for money or perſonal property, not exceeding 200 Rupees, may be referred by Zilla and City Judges to their Regiſters for trial, ſubject to the Judge's reviſion. *Beng.* 1793 *R.* 13. § 6. ext. *Ben.* 1795 *R.* 12. § 2.

11. Or may be referred by the Court to arbitration, with the consent of the parties. A. D. 17[illegible]

Beng. 1793 *R.* 16. § 3. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 3.

12. And suits concerning accounts, partnerships, debts, bargains, and contracts, though exceeding 200 Rupees. *Beng.* 1793 *R.* 16. § 2. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 2.

13. Suits for money or personal property, not exceeding fifty Rupees, may be referred by the Court to native Commissioners of lawsuits *Beng.* 1793 *R.* 40. § 9. *C.* 2. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 2.

14. Or may be submitted to the arbitration of such Commissioners by consent of the parties, without previous application to the Court. *Beng.* 1793 *R.* 40. § 10. *C.* 2. ext. *Ben.* 1795 *R* 31. § 2. *Ced. Prov.* 1803 *R* 16. § 8. *C.* 2.

15. Suits, not exceeding fifty Rupees, may be preferred against Rayats or under renters, to such Commissioners, as are Munsifs. *Beng.* 1793 *R.* 40. § 5. *C.* 6. ext. *Ben.* 1795 *R.* 31. § 2. Re-enacted 1803 R. 49 § 1[illegible] C. 7

16. Suits, regarding debts, contracts or personal property, within an invalid T'hana, shall be submitted to arbitration under the superintendence of the Regulating Officer. *Beng.* 1793 *R.* 43. § 12. *C.* 1. Rescinded 1804 R. 1. § 9

17. Or decided by the Regulating Officer, if the parties refuse to appoint arbitrators. *Beng.* 1793 *R.* 43. § 13. ditto

18 Or by the Civil Court, if either or both of the parties prefer it. *Beng.* 1793 *R.* 43. § 19. ditto

19 Decisions of the Regulating Officer, exceeding fifty Rupees, are appealable to the Zilla Court *Beng.* 1793 *R.* 43. § 21. ditto

20. The Regulating Officer may execute his decree by the sale of any property which the defendant possesses within the T'hana. *Beng.* 1793 *R.* 43. § 15. ditto

21. But, if the sale of any property situated without the limits of the T'hana be necessary in execution of such decree, the Regulating Officer must apply to the Zilla Court for the sale. *Beng.* 1793 *R.* 43. § 17. ditto

22. The Regulating Officer is not to take cognizance of a suit respecting any property situated without the limits of the T'hana. *Beng.* 1793 *R.* 43. § 16. ditto

23. Suits, for money or personal property not exceeding 200 Rupees, may be referred by Zilla and City Judges to their Registers for trial. *Beng.* 1794 *R.* 8. § 3. ext. *Ben.* 1795 *R* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 6. A. D. 1794 Modified 1803 R. 49 § 6 C. 1

24. Whose decisions, revised by the Judge, are final, in suits not exceeding twenty-five Modified 1803 R. 49 § 6 C. 3

A. D. 1794 five Rupees. *Beng.* 1794 *R.* 8. § 6. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 9.

Re-enacted 1796 R 32 § 3 C. 1

25. Decisions in suits exceeding twenty-five Rupees may be appealed to the Provincial Court. *Beng.* 1794 *R.* 8. § 7.

Modified 1803 R. 49 § 18

26. The decision of a Zilla or City Judge, in suits for money or personal property not exceeding twenty-five Rupees, tried by him in the first instance, is final. *Beng.* 1794 *R.* 8. § 11. ext. *Ben* 1795 *R.* 54. § 2. *C.* 1.

A. D. 1795

27. The decisions of Zilla and City Registers, are appealable to the Judge. *Beng.* 1795 *R.* 36. § 3. *C.* 1. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 10. *C.* 1.

Modified 1801 R. 49 § 8 C. 8

28. Whose decision in appeals is final. *Beng.* 1795 *R.* 36. § 4. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1.

A. D. 1796

29. All appealed decrees are to remain unexecuted, if the appellant, within such reasonable period as may be fixed, deliver sufficient security to an amount equal to the money or value decreed *Beng. Ben.* 1796 *R.* 13. § 2. *Ced. Prov.* 1803 (in Provincial Appeal Courts) *R.* 4. § 12. *C.* 5. (in Sudder Dewannee Adaulut) *R.* 5 § 10. *C.* 6.

A. D. 1797

30. The decrees of the Sudder Dewannee Adaulut for 5000 £ and upwards, are appealable to the King in Council. *Beng. Ben.* 1797 *R.* 16. § 1. *Ced. Prov.* 1803 *R.* 5. § 31.

31. The decrees of Provincial Courts of Appeal, for money or personal property not exceeding 5000 Rupees, shall be final. *Beng. Ben.* 1797 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 4. § 30. *C.* 1.

A. D. 1801

32. The Sudder Dewannee Adaulut may admit an appeal, whatever be the amount of the suit, against the rejection of an appeal, or its dismission for default. *Beng. Ben.* 1801 *R.* 2. § 8. *Ced Prov* 1803 *R.* 5. § 10. *C.* 13.

33. And Provincial Courts of Appeal. *Beng. Ben.* 1801 *R.* 2. § 9. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 12.

A. D. 1803

34. Zilla and City Judges may refer to their Registers, for trial, suits for money, or other personal property, not exceeding 500 Rupees. *Beng. Ben.* 1803 *R.* 49. § 6. *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 16. *C.* 1.

35. And to a head native Commissioner, such suits not exceeding 100 Rupees. *Beng. Ben.* 1803 *R* 49. § 9. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 1.

36. Munsifs may receive and try any such suit preferred to them not exceeding fifty Rupees, except for damages. *Beng. Ben.* 1803 *R.* 49. § 14. *C.* 7. *Ced Prov.* 1803 *R.* 16. § 29. *C.* 7.

37. All decisions of Zilla and City Judges, in suits tried by them in the first instance, are appealable to the Provincial Courts. *Beng. Ben.* 1803 *R.* 49. § 23. *Ced. Prov.* 1803 *R.* 8. § 6. *C.* 4. A. D. 1803

38. And all decisions of the Register are appealable to the Judge *Beng. Ben.* 1803 *R.* 49. § 6. *C.* 3. *Ced. Prov.* 1805 *R.* 8. § 16. *C.* 3.

39. Whose decision in appeal is final, if not adjudging or disallowing more than 100 Rupees, or if confirming the Register's decision though for a greater amount, unless the Provincial Court, in their discretion, should admit a special appeal. *Beng. Ben.* 1803 *R.* 49. § 8. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 6.

40. And are appealable, if the Judge's decree reversing or altering the Register's decision, adjudge or disallow more than 100 Rupees. *Beng. Ben.* 1803 *R.* 49. § 8. *C* 3. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 7.

41. The Sudder Dewannee Adaulut, may admit a special appeal, whatever be the amount of the suit, from the decision of a Provincial Court. *Beng. Ben. Ced. Prov.* 1805 *R* 2. § 10. *C.* 1. A. D. 1805

42. Provincial Courts may admit an appeal, whatever be the amount of the suit, from the rejection or dismissal for default of an original suit. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 11.

II. *ATTACHMENT, FORFEITURE, &c.*

1. All personal property of Rayats and under renters may be distrained and sold for arrears of rent. *Beng.* 1793 *R.* 17. § 2. *Ben.* 1795 *R.* 45. § 2. *Ced. Prov.* 1803 *R.* 28. § 2. *C.* 1. A. D. 1793

2. The effects of any landholder or farmer convicted of conniving at a robbery will be liable, at the discretion of Government, to be sold to make good the value of the property stolen. *Beng.* 1793 *R.* 22. § 3.

3. The property of any person refusing to pay the Police tax assessed on him, may be distrained and sold for the liquidation of the arrear. *Ben.* 1793 *R.* 23. § 34. Expired

4. The personal property of a landholder is liable for balances of revenue, if the sale of all his lands should not be sufficient to make good the arrear, or if no person should offer to purchase the lands when put up to sale. *Beng.* 1794 *R.* 3. § 14. A. D. 1794

5. The personal property of any public officer, in charge of money or accounts, may be attached and sold to make good the amount due from him. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 3.

6. The personal property of landholders in Benares may be sold for the recovery of arrears A. D. 1795

A. D. 1795 arrears of revenue, in cases of embezzlement of the funds. *Ben.* 1795 *R.* 6. § 17. *C.* 5. *Ced. Prov.* 1803 *R.* 27. § 17. *C.* 5.

7. And of farmers. *Ben.* 1795 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 27. § 18. *C.* 4.

A. D. 1799 Modified 1806 R. 15 § 6

8. Zilla and City Courts are to adopt measures for the temporary care of personal property left by persons dying intestate, if there be no claimant to the property; and shall require the heir to attend by advertisement affixed at the deceased's residence, in the Court-house, and if the deceased were an European in the Calcutta Gazette; and shall deliver the property to any person proving a satisfactory title to it, or shall transmit an inventory and report of the case to the Governor General in Council, if no claimant attend within twelve months. *Beng. Ben.* 1799 *R.* 5. § 7. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 7.

9. But the heir of an intestate, if of age and competent, or the guardian of a minor or disqualified heir, may take possession of the estate; and the Court is restricted from interfering except on a regular complaint. *Beng. Ben.* 1799 *R.* 5. § 3. *Ced. Prov.* 1803 *R.* 3 § 16. *C.* 3.

10. And similarly, more heirs, than one, if they can agree among themselves; but, in case of a complaint, the Court shall take security from the party who may have first taken possession, or should he fail to give it, from any other claimant able to give it. *Beng. Ben.* 1799 *R.* 5. § 4. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 4.

11. If neither party can give security, the Court shall appoint an administrator for the charge of the estate, until the decision of the suit. *Beng. Ben.* 1799 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 3. § 16. *C* 5.

12. The executors appointed by will may similarly take possession of the estate, and the Courts are restricted from interfering except on a regular complaint against the executors. *Beng. Ben.* 1799 *R.* 5. § 2. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 2.

13. Arrears of revenue are recoverable from all other property which a landholder may possess, if not recovered from a sale of his land. *Beng.* 1799 *R.* 7. § 23. *C.* 5.

A. D. 1800

14. The personal property of defaulting landholders may be distrained for arrears of public revenue in particular cases, if deemed advisable. *Ben.* 1800 *R.* 5. § 2. *Beng.* 1801 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 27. § 14. *C.* 2.

A. D. 1804

15. The personal property of any person convicted before a Court Martial of treason, rebellion, &c. shall be forfeited. *Beng. Ben. Ced. Prov.* 1804 *R.* 10. § 3.

A. D. 1806

16. Zilla and City Courts, on taking charge of the property of a deceased British subject, shall report it to the Register of the Supreme Court; and shall deliver the property

perty to that officer or to any other perſon producing letters of adminiſtration. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 6. A. D. [illegible]

PETITIONS.

1. Provincial Courts of Appeal may receive petitions relating to matters depending or decided in a Zilla or City Court, and refer them to the Court by precept, directing the Court how to proceed thereon, and requiring a return of what the Court has done in conſequence, if proof be given that the petition was preſented to and not received or not complied with by the Court, and if the prayer of the petition appear juſt. *Beng.* 1793 *R.* 5. § 8. ext. *Ben.* 1795 *R.* 9. § 6. A. D. 1795 Re-enacted 1798 R. 2 § 6

2. The Sudder Dewannee Adaulut may, on ſimilar grounds, receive petitions and refer them to the Zilla or City Court, if further proof be given of application to the Provincial Court, and of that Court's refuſal to give the precept above ſpecified. *Beng.* 1793 *R.* 6. § 4. *C.* 2. ext. *Ben.* 1795 *R.* 10. § 2. ditto § [illegible]

3. And may, on ſimilar grounds, receive petitions relating to matters depending or decided in a Provincial Appeal Court, and refer them to the Court. *Beng.* 1793 *R.* 6. § 5. *C.* 2. ext. *Ben.* 1795 *R.* 10. § 2. ditto § [illegible]

4. If any perſon, amenable to the juriſdiction of a City or Zilla Court, ſhall have any matter to repreſent to the Court, he muſt do it in writing either in perſon or through an authorized Vakeel. *Beng.* 1793 *R.* 3. § 19. ext. *Ben.* 1795 *R.* 7. § 11. *Ced. Prov.* 1803 *R.* 2. § 20.

5. Similarly in a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 9. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov* 1803 *R.* 4. § 9.

6. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 6. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 6.

7. The Vakeel ſhall have a fee of four Annas for preſenting any ſuch petition, if not relating to a ſuit depending or decided. *Beng.* 1793 *R.* 7. § 14. ext. *Ben.* 1795 *R.* 13 § 2. *Ced. Prov.* 1803 *R.* 10. § 13. *C.* 1. Modified 1798 R. 5 § 18[illegible]

8. All petitions or motions on behalf of parties in a ſuit, from the filing of it until the final deciſion be enforced, are to be conſidered as paid for by the fee allowed on the ſuit; and the pleaders are required to make all ſuch motions, as their clients may require, in ſuits for which they have received their fees, until the final judgment be enforced. *Beng.* 1793 *R.* 7. § 14. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov* 1803 *R.* 10. § 13. *C.* 1.

9. Fees are to be paid at the rate of four Annas on 200 Rupees, eight Annas on ſums not appealable to the Sudder Dewannee Adaulut, and one Rupee on ſums appeal- A. D. 1795 Modified 1800 R. 7 § [illegible]

 able,

A. D. 1795 able, on every petition not forming part of the proceedings in any suit or appeal: and, until payment of the fee, the petition shall not be filed, except the Court remit it in consideration of the party's poverty. *Beng.* 1795 *R.* 38. § 9. ext. *Ben.* 1795 *R.* 60. § 2.

10. And petitions, already filed, shall not be read except in the case of paupers, until the above fees be paid. *Beng* 1795 *R.* 38. § 12. ext. *Ben.* 1795 *R.* 60 § 2.

A. D. 1797 11. Fees are to be paid at the rate of eight Annas on 200 Rupees, one Rupee on sums not appealable to the Sudder Dewannee Adaulut, and two Rupees on sums appealable, on every exhibit accompanying a miscellaneous petition not forming part of the proceedings in any suit or appeal; and the exhibit shall not be filed until payment of the fee, unless it be remitted in consideration of the party's poverty. *Beng. Ben.* 1797 *R.* 6. § 10. *Ced. Prov.* 1803 *R.* 43. § 10.

12. Petitions are to be written on the same stampt paper with pleadings. *Beng. Ben.* 1797 *R.* 6. § 17. *C.* 9. *Ced. Prov* 1803 *R.* 43. § 13. *C.* 8.

Modified 1800 R. 7 § 16 13. The stamp duties on petitions may be remitted on evident inability from poverty, without observing the rules of Regulation 46 of 1793. *Beng. Ben.* 1797 *R.* 10 § 15. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 8.

A. D. 1798 14. Provincial Courts of Appeal may receive a petition relating to any matter depending or decided in a Zilla or City Court, and direct the Court by precept to receive it and proceed thereon according to the Regulations, if satisfactory proof be given that the petition was presented to the Judge and that he refused or omitted to receive it and proceed thereon, or that due means were taken for presenting it and that undue means were used by the officers of the Court to prevent its being presented. *Beng Ben.* 1798 *R.* 2. § 6. *Ced. Prov.* 1803 *R.* 4. § 8.

15. The Sudder Dewannee Adaulut, on similar proof, and on further proof that the petitioner applied to the Provincial Court of Appeal who refused or omitted to grant the precept specified in Section 6, may refer petitions as above to Zilla and City Courts. *Beng. Ben.* 1798 *R.* 2. § 7. *Ced. Prov.* 1803 *R.* 6. § 4. *C.* 2.

16. And may, on similar proof, refer similar petitions to Provincial Courts of Appeal in matters depending or decided in Provincial Courts of Appeal. *Beng. Ben.* 1798 *R.* 2. § 8. *Ced. Prov.* 1803 *R.* 5. § 5. *C.* 2.

17. Courts may award to pleaders, a fee adequate to their trouble, not exceeding one-fourth of what would have been the fee on a regular suit, for presenting a petition not relating to a suit before the Court; and may cause it to be paid by the petitioner or by the opposite party. *Beng. Ben.* 1798 *R.* 5. § 14. *Ced. Prov.* 1803 *R.* 10. § 13. *C.* 2.

18.

18. The exhibit fee is not to be taken on petitions from the parties in a suit. *Beng. Ben.* 1800 *R.* 7. § 22. *Ced. Prov.* 1803 *R.* 43. § 11. A. D.

19. Petitions to the Registers for the registry of deeds shall be on stampt paper. *Beng. Ben.* 1800 *R.* 7. § 24.

20. Also petitions to the Board of Revenue, Collectors, and other revenue officers; but the paper may be furnished to persons proving their inability to pay for it. *Beng. Ben.* 1800 *R.* 7. § 25.

21. Courts are not to admit under Section 13, Regulation 10 of 1797, a plea of poverty without some evidence of inability in addition to the oath of the party. *Beng. Ben.* 1800 *R.* 7. § 16 *Ced. Prov.* 1803 *R* 43. § 13. *C.* 8.

22. The Sudder Dewannee Adaulut is empowered to receive petitions relating to causes or any judicial matters decided or depending in the Courts of Chandernagore and Chinsura. 1805 *R.* 1. § 5. *C.* 2. A. D. 1805

23. And may punish by fine any contempt of Court or of the Courts at Chandernagore and Chinsura shown in such petition. 1805 *R.* 1. § 11.

PILGRIM TAX.

1. The tax, to be levied from the pilgrims resorting to the temple of Jugunnaut, is to be collected by a civil covenanted servant under the control of the Board of Revenue. *Beng.* 1806 *R.* 4. § 2. A. D. 1806

2. The admission of pilgrims shall be confined to the Ghaut Attara Nulla, and Ghaut Lokenaut. *Beng.* 1806 *R.* 4. § 3.

3. Lal Jatree pilgrims are to pay ten Rupees at the Ghaut Attara Nulla, and six Rupees at the Ghaut Lokenaut. *Beng.* 1806 *R.* 4. § 4.

4. And all other pilgrims, two Rupees. *Beng.* 1806 *R.* 4. § 5.

5. The usual fees of the officers of the temple shall be paid out of the fund for its support; but the Purharees and Pundas may receive, from the pilgrims, fees according to a table of rates which shall be affixed for general information: and they, and the officers of the temple, may receive presents voluntarily made: any deviation from this restriction shall subject the officer to dismission on proof to the satisfaction of the Board of Revenue, or of the Governor General in Council if the case require a reference to Government. *Beng.* 1806 *R.* 4. § 6.

6. The Collector shall establish, with the approbation of the Board, rules for the collection of the tax, for keeping regular accounts, for preventing embezzlements by the officers, and evasions by the pilgrims. *Beng.* 1806 *R.* 4. § 7.

7.

A. D. 1806.

7. And, with the further assistance of the Police officers, rules for guarding against accidents and confusion and to preserve regularity and good order. *Beng.* 1806 *R.* 4. § 8.

8. Byragees, persons carrying the water of the Ganges to any temple, persons residing between the Byturinee Nulla and the Ganjam river, and persons resorting to the town for any purpose except pilgrimage, shall be exempt from the tax; and pilgrims declaring in a solemn manner their inability. *Beng.* 1806 *R.* 4. § 9.

9. The Collector shall report to the Board any other classes who may appear to have been exempted under the Mahratta Government; and the Board shall submit the case, with their sentiments, to the Governor General in Council, who will give orders for the exemption, or otherwise; and may grant temporary and special exemptions deemed proper. *Beng.* 1806 *R.* 4. § 10.

10. The superintendence, conduct and control shall be vested in an assembly of Pundits. *Beng.* 1806 *R.* 4. § 11.

11. To consist of three Members recommended by the Collector, through the Board, to the Governor General in Council. *Beng.* 1806 *R.* 4. § 12.

12. And the Governor General in Council may appoint them in the first instance, if he deem it proper. *Beng.* 1806 *R.* 4. § 13.

13. The Collector shall attend to the character and qualification of the persons recommended, and consult the most respectable Hindoos on the subject. *Beng.* 1806 *R.* 4. § 13.

14. The opinion of the majority is to decide cases of difference of opinion among the Pundits. *Beng.* 1806 *R.* 4. § 14.

15. The Pundits shall not be removable, except on proof of misconduct to the satisfaction of Government. *Beng.* 1806 *R.* 4. § 15.

16. The Pundits may punish the officers of the temple for misconduct, by fine not exceeding one month's salary, or suspension from office, reporting it to the Collector; who shall deduct the fine from the offender's salary, and report the suspension to the Board, or to the Governor General in Council, as the case may be. *Beng.* 1806 *R.* 4. § 16.

17. And shall deliver over, to the Police officers, persons guilty of any offence appearing to require any greater punishment. *Beng.* 1806 *R.* 4. § 17.

18. Such salaries shall be assigned, from the funds, to the Pundits and officers of the temple, as may be fixed by the Governor General in Council. *Beng.* 1806 *R.* 4. § 18.

19. The Collector is to report vacancies among the officers of the temple to the Board, with the recommendation of proper successors, attending to the usages of the

temple

temple and the religious opinions of the officers and pilgrims, and the Board shall either fill such vacancies or report them to Government. *Beng.* 1806 *R.* 4. § 19.

20. The Collector may impose fines not exceeding one month's salary, on the officers for misconduct; but the party may apply to the Board for redress. *Beng.* 1806 *R.* 4. § 20.

21. The Collector is to act as Assistant to the Magistrate and to exercise all the powers vested in the Assistants to Magistrates; but shall give every attention to the religious opinions of the Hindoos, and the institutions of the temple, and shall not suffer his Peons &c. to enter the precincts of the temple. *Beng.* 1806 *R.* 4. § 21.

22. The town of Jugunnautpoor and adjacent country shall form a Police jurisdiction, within such limits as the Governor General in Council shall fix; and one or more of the Dewulpurchas, as the Governor General in Council may direct, shall be appointed Daroghas thereof. *Beng.* 1806 *R.* 4. § 22.

23. The Sudder Dewannee Adaulut may appoint the Dewulpurchas to be Commissioners for the trial of civil suits to a limited amount in the town of Jugunnautpoor and its dependencies, and may prescribe rules for their conduct. *Beng.* 1806 *R.* 4. § 23.

24. Lal Jatrees, assuming the appellation of any inferior rank to evade payment of the tax, shall, on proof to the satisfaction of the Collector, be made to pay the full tax and a fine equal to double the amount; but the Collector has no authority to search any pilgrim. *Beng.* 1806 *R.* 5. § 2.

25. Sunnasees shall be exempted from the tax. *Beng.* 1806 *R.* 5. § 3.

26. The prohibition against the Collector's officers entering the precincts of the temple is only applicable to them when employed in the execution of any public duty. *Beng.* 1806 *R.* 5 § 4.

PLAINTIFFS.

1. No plaint is to be received except from the plaintiff or his Vakeel duly empowered. *Beng.* 1793 *R.* 4. § 2. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 2. A. D. 1799

2. Nor till security be given by the plaintiff for the fees of his Vakeel. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 6.

3. Unless he be admitted to sue in formâ pauperis on his own oath, and the oath of two witnesses, and on furnishing two sureties for his appearance. *Beng.* 1793 *R.* 46. § 2. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 2.

4. The plaint is to be signed by the plaintiff or his Vakeel. *Beng.* 1793 *R.* 4. § 3. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 3.

A. D. 1793

5. Pauper plaintiffs shall be imprisoned three months if the suit be deemed vexatious, and they should not be able to pay the costs; and the sureties shall be similarly liable in case of their not producing the plaintiff, or not paying the costs; which shall be recovered from any property of the pauper if afterwards discovered. *Beng* 1793 *R.* 46. § 3 ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 3.

6. If a pauper plaintiff should not be able to plead his own cause, or to prevail on any pleader to undertake it, the Court may require one of the pleaders to plead it. *Beng.* 1793 *R.* 46 § 6. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 6.

7. When a suit is withdrawn on Razeenama, the plaintiff is to pay the pleader's fees on both sides, and all costs incurred by the defendant. *Beng.* 1793 *R.* 7. § 13. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 12.

8. Plaintiffs are to maintain the defendants when in close custody at their instance, unless committed for disobedience to an order of Court, at an allowance, not more than four Annas, nor less than one per diem, as may be fixed by the Court, paying one month in advance and afterwards at the end of each month; the defendants will be released on non-payment for one month, after the plaintiffs have been called upon by notification for payment. *Beng.* 1793 *R.* 4. § 8. ext. *Ben.* 1795 *R* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 10.

9. If a plaintiff neglect to proceed in his suit during six weeks it shall be dismissed, with costs if deemed proper, unless he can show good cause for the neglect: and the reasons for dismissing or retaining the suit, shall be recorded. *Beng.* 1793 *R.* 4. § 10. ext *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 12.

10. The plaintiff may proceed to trial ex parte, against a defendant who avoids service of process, or who being summoned does not appear, or who appearing does not give answer. *Beng.* 1793 *R.* 4. § 11. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 13.

11. And against a female defendant who does not give answer when summoned through her principal servant. *Beng.* 1793 *R.* 4. § 13 ext. *Ben.* 1795 *R.* 8. § 2. *Ced Prov.* 1803 *R.* 3. § 15.

12. And may institute a suit against the surety of any defendant, who, after giving security, shall not appear or give answer; and may recover from the surety whatever he may prove to be due from the defendant, or may proceed ex parte against the defendant. *Beng.* 1793 *R.* 4. § 12. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 14.

13. If the defendant admit the truth of the plaintiff's bill of complaint, judgment shall be given on the allegations of the plaintiff only. *Beng.* 1793 *R.* 4. § 11. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 13.

14.

14. If the defendant do not object to the plaintiff's valuation of the suit, it shall be final as far as determining whether the suit be appealable or not; if he object, his objections shall be inquired into by the Judge, whose decision in case of appeal shall be revised by the Provincial Court of Appeal. *Beng.* 1793 *R.* 4. § 4. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 4. A. D.

15. If a British subject, or other person not amenable to a Court, should sue as plaintiff a person amenable to the Court, the suit shall not be received till he have executed a bond of submission to the Court. *Beng.* 1793 *R.* 28. § 7. ext. *Ben.* 1795 *R.* 24. § 2. *Ced. Prov.* 1803 *R.* 18. § 7. Modified 1797 R. 11 § 1

16. Plaintiffs, suing persons in the Salt Department, shall specify their being so employed. *Beng.* 1793 *R.* 29. § 20. *C.* 1.

17. And persons in the Commercial Department. *Beng.* 1793 *R.* 31. § 10. *C.* 1. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 1. ext. *Ben.* 1805 *R.* 4. § 2.

18. If the plaintiff in a suit referred to a native Commissioner do not appear by the time limited, the suit shall be dismissed. *Beng.* 1793 *R.* 40. § 9. *C.* 7. ext. *Ben.* 1795 *R.* 31. § 2. *Ced Prov.* 1803 *R.* 16 § 7. *C.* 7.

19. In suits for dispossession from land or crops, the Court shall decide merely on the proof of previous possession in the plaintiff. *Beng.* 1793 *R.* 49 § 3 ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 3.

20. The plaintiff is to pay the expense of all processes issued at his instance till decision of the suit. *Beng.* 1793 *R* 4. § 18. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 19.

21. A plaintiff may be fined for bringing a litigious suit, or renewing, in another Court, a suit pending or decided in the proper Court. *Beng.* 1793 *R.* 3. § 12. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 2. § 9.

22. The Raja of Benares, and his relations, and the Nowputee Mehajuns, when plaintiffs, shall not be required to give security for pleader's fees. *Ben.* 1795 *R.* 13. § 2. A. D. 1795

23. In the summary suits for rent, if the defendant do not appear, the Court shall proceed on the documents of the plaintiff only. *Beng.* 1795 *R.* 35. § 13. *C.* 2.

24 Plaintiffs, whose summary suits for rent, are dismissed, may bring a regular suit for the same claim. *Beng.* 1795 *R.* 35. § 16.

25. The law of the plaintiff's religion is to guide the decision in suits in Benares, if the defendant be neither Hindoo nor Muhamedan; and, in other cases, the law of the defendant is to guide it. *Ben.* 1795 *R.* 8. § 3. *C.* 2.

26.

A. D. 1797 26. A new form of bond, is prescribed for persons not amenable to the Court when suing natives. *Beng. Ben.* 1797 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 18. § 7.

A. D. 1798 27. Plaintiffs, suing officers of the salt Chokees, are to specify their being so employed. *Beng.* 1798 *R.* 4. § 3.

A. D. 1799 28. Plaintiffs, whose summary suits for rent are dismissed, may bring a regular suit for the same claim. *Beng.* 1799 *R.* 7. § 17. *Ben.* 1800 *R.* 5. § 16. *Ced. Prov.* 1803 *R.* 28. § 34.

A. D. 1801 29. Plaintiffs in civil suits are not liable to a prosecution for subornation of perjury, unless committed for trial by the Judge, under Section 14, Regulation 4 of 1793. *Beng. Ben.* 1801 *R.* 3. § 2.

A. D. 1802 30. Pauper plaintiffs, if the suit be deemed vexatious, shall be immediately committed, whether they appeal from the decision or not. *Beng. Ben.* 1802 *R.* 3. § 5. *Ced. Prov.* 1803 *R.* 14. § 10.

PLEADERS IN CIVIL COURTS.

I. *MODE OF APPOINTMENT AND DUTIES.*

A. D. 1793 1. The Sudder Dewannee Adaulut is to appoint Hindoo and Muhamedan pleaders to all the Civil Courts. *Beng.* 1793 *R.* 7. § 2. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 2.

2. Selecting them from the Muhamedan College of Calcutta, and Hindoo College of Benares, or admitting any other Hindoos or Muhamedans of good character. *Beng.* 1793 *R.* 7. § 5. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 33.

3. The pleaders are to receive Sunnuds from the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 7. § 3. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 3.

4. And to take prescribed oaths before the Courts to which they belong. *Beng.* 1793 *R.* 7. § 4. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 4.

5. The Regulations of Government are to be kept in the Court room, open to the daily access of the pleaders. *Beng.* 1793 *R.* 7. § 6. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 5.

6. Authorized pleaders are alone to act (besides the parties) in suits before City or Zilla Courts. *Beng.* 1793 *R.* 4. § 2. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 2.

7. In Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 22. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 22.

8. In the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 20. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 20. A. D. 1798

9. But individuals may plead their own causes without employing a public pleader. *Beng.* 1793 *R.* 7. § 33. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 31.

10. And parties may appoint any persons they choose, to act in causes before native Commissioners. *Beng.* 1793 *R.* 40. § 9. *C.* 5. ext. *Ben.* 1795 *R.* 31. § 2. Modified 1803 R. 49 § 16 C. 1

11. The pleaders of one Court are not to plead in another Court, without the sanction of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 7. § 21. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 20.

12. Any pleader, refusing to carry on the suit after retainer, shall be dismissed from his office. *Beng.* 1793 *R.* 7. § 7. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 6.

13. Pleaders, guilty of disrespect to the Court, may be fined as far as 100 Rupees, to be levied either from the fees due to them, or by the usual process. *Beng.* 1793 *R.* 7. § 16. ext. *Ben.* 1793 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 15.

14. Pleaders absent, except for sickness, without giving notice, are to be fined 50 Rupees the first time, and 100 Rupees the second, and dismissed the third. *Beng.* 1793 *R.* 7. § 32. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 30.

15. Pleaders, convicted of promoting litigious suits, or of frauds, &c. are to be suspended and reported to the Sudder Dewannee Adaulut; who will either fine the offender and permit him to resume practice, or dismiss him from office. *Beng.* 1793 *R.* 7. § 17. ext. *Ben.* 1795 *R.* 13. § 2. *Ced Prov.* 1803 *R.* 10. § 16.

16. Also for wilfully delaying the suit. *Beng.* 1793 *R.* 7. § 18. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 17.

17. Or for receiving from the client any thing beyond the authorized fees. *Beng.* 1793 *R.* 7. § 19. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 18.

18. But no pleader shall be dismissed, except by the Sudder Dewannee Adaulut on proof of incapacity or misconduct or private profligacy; in such cases the Courts shall suspend the pleader from his functions and send all the proceedings to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 7. § 22. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 21.

19. Pleaders may be sued for damages by the client for wilfully delaying the suit for their own advantage. *Beng.* 1793 *R.* 7. § 18. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 17.

A. D. 1793

20. And for any breach of this Regulation; and for fraudulent practices regarding the suit. *Beng.* 1793 *R.* 7. § 31. ext. *Ben.* 1795 *R* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 29.

Modified 1797 R. 8 § 4

21. A pleader for Government is to be appointed by the Sudder Dewannee Adaulut for each Court, from among the authorized pleaders. *Beng.* 1793 *R.* 7. § 23. ext. *Ben.* 1795 *R.* 13. § 2.

22. He is to take a prescribed oath before the Court to which he belongs. *Beng.* 1793 *R.* 7 § 24. ext. *Ben* 1795 *R* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 23.

Modified 1797 R. 8 § 5

23. And to receive a Sunnud from the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 7. § 25. ext. *Ben.* 1795 *R.* 13. § 2.

24. The pleader for Government is to plead all suits which Government may order, or which any Regulation directs to be carried on at the public expense; the order of Government, or of the officer empowered by the Regulations to superintend such suit, is to be filed in Court as his authority for pleading the suit. *Beng.* 1793 *R.* 7. § 26. ext. *Ben.* 1795 *R.* 13. § 2 *Ced Prov.* 1803 *R.* 10. § 24.

25. He is to receive the same fees with other pleaders. *Beng.* 1793 *R.* 7 § 28 ext. *Ben.* 1795 *R.* 13. § 2 *Ced. Prov.* 1803 *R.* 10. § 26.

26. And be subject to the same rules of pleading. *Beng.* 1793 *R.* 7. § 29. ext. *Ben.* 1795 *R.* 13. § 2 *Ced. Prov.* 1803 *R.* 10. § 27.

27. The pleader of Government is not to advise, nor be concerned for, the opponents of Government in public suits; but may plead, like other pleaders, in all other suits. *Beng.* 1793 *R.* 7 § 27. ext. *Ben.* 1795 *R.* 13 § 2. *Ced. Prov* 1803 *R.* 10. § 25.

28. Pleaders of the Courts are not to be appointed arbitrators. *Beng.* 1793 *R.* 16. § 4 ext *Ben* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21 § 4.

29. A pleader at each Court may be empowered by Salt Agents to execute suretics for persons employed in the salt manufacture, when summoned as defendants in the Courts. *Beng.* 1793 *R.* 29. § 20. *C.* 2.

30. And by Commercial Agents, for persons employed in the provision of the investment. *Beng.* 1793 *R.* 31. § 10. *C.* 2. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 2 ext. *Ben.* 1805 *R.* 4 § 2.

A. D. 1794

31. Causes, referred by the Zilla and City Judges to their Registers, for trial, are to be pleaded by the parties or by the established pleaders of the Courts. *Beng Ben.* 1794 *R.* 8. § 9. *Ced Prov.* 1803 *R.* 12. § 20. *C.* 2.

A. D. 1797 Re enacted 1800 R. 7 § 12

32. Pleaders may be furnished by Collectors with stampt obligation paper for sale, at four Annas per Rupee, on becoming responsible for all paper destroyed, damaged, or not forthcoming. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 6.

33. The Sunnuds of the pleaders are to be on ſtampt paper paying twenty five Rupees. *Beng. Ben.* 1797 *R.* 6 § 24. *C.* 1. *Ced. Prov* 1803 *R.* 43. § 18. *C.* 1. A. D. 1797

34. Five per cent is to be deducted from the fees received by the pleaders. *Beng. Ben.* 1797 *R.* 6 § 27 *Ced. Prov.* 1803 *R.* 43. § 20.

35. The Sudder Dewannee Adaulut is to apply to the Superintendent of ſtamps for the neceſſary ſupply; and the pleaders ſhall not receive their Sunnuds nor be allowed to act till the ſtamp duty be paid. *Beng. Ben.* 1797 *R.* 6. § 25. *C.* 2 *Ced. Prov.* 1803 *R.* 43. § 18. *C.* 3.

36 The Courts ſhall account for the fees received from the Vakeels, in the mode which may be preſcribed. *Beng. Ben.* 1797 *R.* 6. § 24. *C* 5. *Ced. Prov.* 1803 *R.* 43. § 18 *C.* 5.

37. The pleaders for Government are to be appointed by the Governor General in Council, and not by the Sudder Dewannee Adaulut. *Beng. Ben.* 1797 *R.* 8. § 4. *Ced Prov* 1803 *R.* 10 § 22.

38. They ſhall receive from the Secretary of Government a written authority to act as ſuch, and from the Sudder Dewannee Adaulut Sunnuds as pleaders of the Court. *Beng. Ben* 1797 *R.* 8. § 5 *Ced Prov.* 1803 *R.* 10. § 22.

39. A pleader at each Court may be empowered by opium Agents to execute ſecurities for perſons employed in the opium manufacture, when ſummoned as defendants in the Courts. *Beng. Ben.* 1799 *R.* 6. § 26. *C.* 2. A. D. 1799

40. A petition for the arreſt of a defaulting tenant may be preſented through any authorized Agent, whether one of the eſtabliſhed pleaders of the Court or otherwiſe. *Beng.* 1799 *R.* 7. § 15. *C.* 3. *Ben.* 1800 *R.* 5. § 14. *C.* 3. *Ced. Prov.* 1803 *R.* 28. § 32. *C* 3.

41. Any Vakeel may be employed to attend the ſummary inquiries into revenue demands before the Judge or Collector. *Beng.* 1799 *R.* 7. § 15. *C.* 4. *Ben.* 1800 *R.* 5. § 14 *C.* 4. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 4.

42. Pleaders are no longer to be ſupplied with ſtampt paper, under Clauſe 7, Section 21, Regulation 6 of 1797. *Beng. Ben.* 1800 *R.* 7. § 12. A. D. 1800

43. A ſufficient number of authorized pleaders ſhall attend the Aſſiſtant Judge's Courts; and, if neceſſary, an additional number ſhall be appointed under Regulation 7 of 1799. *Beng. Ben.* 1803 *R.* 49. § 2. *C.* 4. *Ced. Prov.* 1805 R. 8. § 12. *C.* 4. A. D. 1803

44. Suits, referred to a head native Commiſſioner, ſhall be pleaded by the parties, or by the pleaders appointed under Regulation 7 of 1793; and a further number ſhall be

A. D. 1803 be appointed if neceſſary. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 10. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 10.

45. The Judge ſhall make an allotment of the eſtabliſhed pleaders for the more convenient pleading of the cauſes before himſelf, the Aſſiſtant Judge, the Regiſter, and head Commiſſioner; and ſhall apply to the Sudder Dewannee Adaulut for any additional number requiſite. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 10. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 10.

46. No perſon ſhall be allowed to plead before a Commiſſioner as a Vakeel, unleſs he be a relation, ſervant, or dependant, of the party for whom he acts, or ſhall have received a Sunnud from the Judge of the Zilla or City. *Beng. Ben.* 1803 *R.* 49. § 16. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 5.

47. Judges, if they deem it neceſſary, may appoint perſons to act as Vakeels in cauſes before Commiſſioners (other than the head Commiſſioners,) and ſhall grant them Sunnuds to laſt as long as may be neceſſary, on condition of good behaviour. *Beng. Ben.* 1803 *R.* 49. § 16. *C.* 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 5.

48. Such Vakeels ſhall be ſworn to a faithful diſcharge of duty and be liable to proſecution for breach of truſt or miſconduct; and ſhall not be removed, except on proof of miſconduct, incapacity or profligacy to the ſatisfaction of the Judge; but the Judge may recal their Sunnuds, whenever he may deem the appointment unneceſſary or inexpedient. *Beng. Ben.* 1803 *R.* 49. § 16. *C.* 3. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 5.

49. Such Vakeels are to ſettle with their conſtituents the fees to be paid to them, which ſhall be ſpecified in the Vakalutnama, and included by the Commiſſioners in the coſts under Clauſe 12, Section 9, Regulation 40 of 1793; and no Vakeel ſhall be entitled to recover any fee beyond what may have been previouſly agreed to by his conſtituent. *Beng. Ben.* 1803 *R.* 49. § 16. *C.* 4. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 5.

50. Commiſſioners, permitting perſons who are not relations, ſervants, or dependants, of the party, or have not received Sunnuds from the Judge, to act as Vakeels, ſhall be liable to diſmiſſion and fine to Government, on proof to the ſatisfaction of the Sudder Dewannee Adaulut. *Beng. Ben.* 1803 *R.* 49. § 16. *C.* 5. *Ced. Prov.* 1803 *R.* 16 § 7. *C.* 5.

A. D. 1805 51. The parties in appeals from Chandernagore and Chinſura, are not required to appoint a Vakeel from among the eſtabliſhed pleaders of the Court, though unable to attend in perſon, but may voluntarily appoint ſuch pleader. 1805 *R.* 1. § 5. *C.* 1.

II. *MODE*

II. *MODE OF ENGAGEMENT AND FEES.*

1. A retainer of four Annas is to be given to each pleader on his agreeing to undertake a suit, for which the pleader shall give a receipt specifying the date of its being delivered; any pleader, refusing to carry on the suit after retainer, shall be dismissed from his office. *Beng.* 1793 *R.* 7. § 7. ext. *Ben.* 1795 *R.* 13 § 2. *Ced. Prov.* 1803 *R.* 10. § 6. A. D. 1798

2. The party is to give his pleader a Vakalutnama signed by himself, and attested by two witnesses, binding himself to abide by all acts of his pleader. *Beng.* 1793 *R.* 7. § 8. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 7.

3. Parties may change their pleader at any stage of the trial, giving notice to the Court by petition, and filing a Vakalutnama for the new pleader; all acts of the former pleader are to be held valid. *Beng.* 1793 *R.* 7. § 30. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 28.

4. No pleader shall act in a Provincial Court of Appeal before his Vakalutnama is filed in Court. *Beng.* 1793 *R.* 5. § 22 ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4 § 22.

5. Nor in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 20. ext. *Ben.* 1795 *R.* 10. § 2 *Ced. Prov.* 1803 *R.* 5. § 20.

6. Fees are allowed to pleaders at the rate of five per cent on 1000 Rupees, four per cent on 5000 Rupees, three per cent on 10,000 Rupees, two per cent on 25,000 Rupees, one per cent on 50,000 Rupees, three fourths per cent on one Lack, half per cent on sums exceeding one Lack. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 1 : § 2. Modified 1798 R. 3 § 10

7. The defendant is to pay the fees of the plaintiff's pleader on as much of the claim as may be decreed; the plaintiff is to pay the fees of the defendant's pleader if the claim be dismissed in toto: the amount payable shall be inserted in the decree. *Beng.* 1793 *R.* 7 § 9. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 6.

8. Pleaders fees are payable on the decision of the suit, and are to be levied notwithstanding an appeal; they are to be paid to the pleader employed at the time of the decision, and not to any pleader removed or resigned, nor to the heir of a deceased pleader. *Beng.* 1793 *R.* 7. § 10. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 9.

9. If a pauper plaintiff, whose suit is dismissed, shall not pay his pleader's fees and those of the opposite party, he shall, if his suit be deemed litigious, be committed to jail for three months and then released; or, if he be not forthcoming, his sureties, unless they pay the fees, shall be committed for the same period; and the fees shall be recovered

1. D. 1793 from any property of the pauper hereafter found, *Beng.* 1793 *R.* 46 § 5. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14 § 3.

10. Half fees are to be paid on a suit withdrawn before rejoinder; but full fees on a suit withdrawn after rejoinder: the party, withdrawing a suit, is to pay the fees. *Beng.* 1793 *R.* 7. § 13. ext. *Ben.* 1795 *R.* 13. § 2 *Ced. Prov.* 1803 *R.* 10. § 12.

11. Pleaders are to have the same fees on appeals from decrees of Commissioners as on other suits. *Beng.* 1793 *R.* 40. § 22. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 20.

12. The plaintiff is to give security for his pleader's fees; and his suit shall not be received without such security: the defendant is to give security for his pleader's fees besides security to the action. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 6.

13. Suits may be received without such security if the plaintiff should himself swear, and bring two witnesses to swear, to his inability to give such security, and on his finding two sureties for his appearance. *Beng.* 1793 *R.* 46. § 2. ext. *Ben.* 1795 *R.* 23 § 2 *Ced. Prov.* 1803 *R.* 14. § 2.

14. And pleaders may undertake the suits of such paupers. *Beng.* 1793 *R.* 46. § 5. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 5.

15. If a pauper be unable to plead in person, and unable to prevail on a pleader to undertake the cause, the Court may order one of the pleaders to undertake the suit. *Beng.* 1793 *R.* 46. § 6. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 6.

16. A party may employ two pleaders on one fee, if they consent to divide it, and the proportion of each pleader shall be specified in the Vakalutnama. *Beng.* 1793 *R.* 7. § 11. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 10.

17. Or he may employ two pleaders on separate fees; but the opposite party, if cast, shall only pay the fee of one pleader. *Beng.* 1793 *R.* 7. § 12. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 11.

Modified 9. R. 5 § 14 18. A fee of four Annas is to be paid for motions not relating to a suit; but, in causes, pleaders are to perform all requisite acts until the judgment in appeal be enforced, in consideration of the fee payable on the suit. *Beng.* 1793 *R.* 7. § 14. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 13. *C.* 1.

19. Pleaders are entitled to a fee of four Annas for obtaining an order referring a suit to a Commissioner. *Beng.* 1793 *R.* 40. § 9. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 3.

20.

20. And for preparing a petition of appeal from a Commissioner's decree, if rejected. A. D. 1796
Beng. 1793 *R.* 40. § 22. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 20.

21. Pleaders are to give receipts for all vouchers received from their clients: and, on refusal to restore the vouchers, the Court shall order them to be restored. *Beng.* 1793 *R.* 7. § 15. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 14.

22. In case of a pleader's absence, another may act for him with the consent of the client certified by a writing signed and attested. *Beng.* 1793 *R.* 7. § 20. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 19.

23. But suits must be postponed in the pleader's absence unless thus transferred: and pleaders, unable to attend from indisposition, are to notify it in writing to the Register of the Court. *Beng.* 1793 *R.* 7. § 32. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 30.

24. Communication between the Collectors and their pleaders in suits before a Court, is to be by sealed letters transmitted under cover to the Register, or by him to the Collector. *Beng.* 1793 *R.* 14. § 39. *Ben.* 1795 *R.* 6. § 45. *Ced. Prov.* 1803 *R.* 27. § 42.

25. Also Salt Agents. *Beng.* 1793 *R.* 29. § 30.

26. And Commercial Agents. *Beng.* 1793 *R.* 31. § 24. *Ced. Prov.* 1803 *R.* 37. § 24. ext. *Ben.* 18 5 R. 4. § 2.

27. And Collectors of Customs. *Beng. Ben.* 1795 *R.* 39. § 30 *Ced. Prov.* 1804 *R.* 17. § 49. A. D. 1796

28. Security for pleader's fees in Benares is not to be required from the Raja, from the Baboos, his relations, nor from the Nouputee Mehajuns, either as plaintiffs or defendants. *Ben.* 1795 *R.* 13. § 2.

29. Fees to pleaders, in summary suits for rent, are to be one fourth of the established fees in other suits. *Beng. Ben.* 1796 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 10. § 34. *C.* 1. A. D. 1796

30. This rule extends to suits already instituted (1796) and not yet decided, but not to suits already decided. *Beng. Ben.* 1796 *R.* 8. § 3.

31. If a party appealing, who may have declared his intention to prosecute his appeal in person, shall afterwards be desirous of appointing a pleader, and shall present with the Vakalutnama the required security for pleader's fees, such security shall be admitted. *Beng. Ben.* 1798 *R.* 2. § 10. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 6. *R.* 5. § 10. *C.* 7. A. D. 1798

32.

A. D. 1798 32. No pleader in any instance (except those of paupers under Regulation 46 of 1793, and privileged persons by Regulation 13 of 1795.) shall act in any cause until security be given for his fees. *Beng. Ben.* 1798 *R.* 2. § 10. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 6. *R.* 5. § 10. *C* 7.

33. The following fees are allowed to pleaders in lieu of those specified in Regulation 7 of 1793. *Beng. Ben.* 1798 *R.* 5. § 10. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 1.

34. Five per cent on 1000 Rupees; four per cent from 1000 to 5000 Rupees; three per cent from 5000 to 10,000 Rupees; two per cent from 10,000 to 25,000 Rupees; one per cent from 25,000 to 50,000 Rupees; three quarters per cent from 50,000 Rupees to one Lack; half per cent on sums exceeding one Lack. *Beng. Ben.* 1798 *R.* 5. § 10. *C.* 1. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 2.

35. Malguzaree land is to be estimated at its annual produce. *Beng. Ben.* 1798 *R.* 5. § 10. *C.* 2. *Ced. Prov.* 1803 *R.* 10 § 8. *C.* 3.

36. Lakheraj land at ten times its annual produce. *Beng. Ben.* 1798 *R.* 5. § 10. *C.* 3. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 4.

37. This is not to affect suits withdrawn by the parties. *Beng. Ben.* 1798 *R.* 5. § 11. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 5.

38. The fee on summary suits for rent, fixed at one fourth of the established fee, to be calculated as above. *Beng. Ben.* 1798 *R.* 5. § 12. *Ced. Prov.* 1803 *R.* 10. § 34. *C.* 1.

39. Pleaders' fees, in summary suits for dispossession, are to be one fourth of the established fee calculated as above. *Beng Ben.* 1798 *R.* 5. § 13. *Ced. Prov.* 1803 *R.* 10. § 34. *C.* 2.

40. Courts may allow pleaders a fee proportioned to their labour, on miscellaneous petitions, not exceeding one fourth of the regular fee. *Beng. Ben* 1798 *R.* 5. § 14. *Ced. Prov.* 1803 *R.* 10. § 13. *C.* 2.

41. Pleaders, agreeing to plead a cause for less than the established fee, shall be liable to dismission, and the fee shall be forfeited to Government: if any pleader should have already entered into such an agreement, he shall declare the same to the Court under the above penalty; and this rule shall then have no retrospective effect. *Beng. Ben.* 1798 *R.* 5. § 15. *Ced. Prov.* 1803 *R.* 10. § 32.

A. D. 1799 42. Communication between opium Agents and their pleaders in suits before a Court is to be facilitated by the transmission of their letters in sealed covers through the Register of the Court. *Beng. Ben.* 1799 *R.* 6. § 35.

43.

43. Vakalutnamas are to pay fees as other exhibits. *Beng. Ben.* 1800 *R.* 7. § 22. *Ced. Prov.* 1803 *R.* 43. § 11. A. D.

44. If a defendant or respondent, although judgment have been in his favour, be obliged to pay his pleader's fees in consequence of the plaintiff or appellant being a pauper, or from the plaintiff's or appellant's want of property, and the eventual irresponsibility of his sureties, the Court may levy from the defendant or respondent such part only of the fee as may appear an adequate compensation to the pleader, leaving the remainder to be recovered from any property of the plaintiff or appellant which may be subsequently found. *Beng. Ben.* 1802 *R.* 3. § 3. *Ced. Prov.* 1803 *R.* 10. § 35. *R.* 14. § 7. A. D.

45. And the same powers are vested in the Registers in causes tried by them. *Beng. Ben.* 1802 *R* 3. § 4. *Ced. Prov.* 1803 *R.* 10. § 35.

46. Pleaders in suits before a Head Commissioner shall receive the same fees which are authorized in the Zilla and City Courts; but the same pleader shall not receive the retainer by Section 7, Regulation 7 of 1793, and the fee on reference by Clause 3, Section 9, Regulation 40 of 1793. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 10. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 10. A. D.

47. In appeals against the rejection of an appeal or its dismission for default, if either party employ an authorized pleader, the Court may award an adequate fee under Section 14, Regulation 5 of 1798. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 4. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

48. And on appeals against the rejection of an original suit or its dismission for default. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 11. A. D. 1805

III. *OFFICIAL SUITS.*

1. The Regulating Officer of the invalid T'hanas may employ the Vakeel of Government to plead the causes of invalids free of cost to them, where an invalid or his heir prefer a claim civil or criminal against a person not an inhabitant of the T'hana. *Beng.* 1793 *R.* 43. § 23. *C.* 1. A. D. 1793. Re-enacted 1804 *R.* 1 § 14.

2. Or where an invalid or his heir is sued for a civil claim by such a person. *Beng.* 1793 *R.* 43 § 23. *C.* 2. ditto

3. Unless the claim of the invalid shall appear to the Regulating Officer frivolous, or the claim against him well founded. *Beng.* 1793 *R.* 43. § 24. *C.* 1. ditto

4. Also where an invalid or his heir shall be sued by another inhabitant of a T'hana, notwithstanding his having offered to submit the cause to be tried by the Regulating Officer. *Beng.* 1793 *R.* 43. § 23. *C.* 3. ditto

Re-enacted by R. 1. § 14

5. But the Regulating Officer is not to employ the Vakeel of Government in suits of inhabitants of T'hanas not being invalids, nor of invalids who reside without the limits of the T'hana. *Beng.* 1793 *R.* 43. § 23. *C.* 4.

ditto

6. Nor of invalids prosecuted for crimes. *Beng.* 1793 *R.* 43. § 24. *C.* 2.

ditto

7. Nor of invalids appealing from his decision. *Beng.* 1793 *R.* 43. § 24. *C.* 3.

ditto

8. Or carrying their suits originally to the Court. *Beng.* 1793 *R.* 43. § 24. *C.* 4.

9. The Collectors of Revenue are to employ the Vakeel of Government in motions to the Civil Courts regarding the lunacy &c. of landholders. *Beng.* 1793 *R.* 10. § 5. *C.* 3. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 3.

10. And regarding their contumacy or profligacy. *Beng.* 1793 *R.* 10. § 5. *C.* 4. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 4.

11. Concerning the nonattendance of Putwaries when summoned by the Collector. *Beng.* 1793 *R.* 8. § 62. *C.* 5. *Ben.* 1795 *R.* 27. § 9. *C.* 5. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 4.

12. For a commission to swear Putwaries. *Beng.* 1793 *R.* 8. § 62. *C.* 6. *Ben.* 1795 *R.* 27. § 9. *C.* 6. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 5.

13. In prosecutions against Putwaries for perjury. *Beng.* 1793 *R.* 8. § 62. *C.* 8. *Ben.* 1793 *R.* 27. § 9. *C.* 8. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 7.

14. And against landholders for not appointing Putwaries. *Beng.* 1793 *R.* 8. § 62. *C.* 9. *Ben.* 1795 *R.* 27. § 9. *C.* 9. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 8.

15. In motions for the confinement of defaulting landholders or farmers. *Beng.* 1793 *R.* 14. § 5. *Ben.* 1795 *R.* 6. § 11. *Ced. Prov.* 1803 *R.* 27. § 11.

16. Against landholders resisting the Collector's process. *Beng.* 1793 *R.* 14. § 15. *Ben.* 1795 *R.* 6. § 22. *Ced. Prov.* 1803 *R.* 27. § 22.

17. Against farmers of land. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

18. And against the sureties of landholders or farmers. *Beng.* 1793 *R.* 14. § 21. *Ben.* 1795 *R.* 6. § 28. *Ced. Prov.* 1803 *R.* 27. § 28.

Expired

19. In defending a suit brought by the merchants of a Perguna to dispute the assessment of the Police tax on the Perguna. *Beng.* 1793 *R.* 23. § 19.

ditto

20. Or by an individual merchant to dispute his individual assessment. *Beng.* 1793 *R.* 23. § 26.

21.

21. Or by any person on a claim to a Sayer compensation withheld by orders of Government or of the Board. *Beng.* 1793 *R.* 27. § 13. *Ced. Prov.* 1805 *R.* 6. § 41.

22. Or an Abcaree compensation. *Beng.* 1793 *R.* 34. § 3. *Ben.* 1795 *R.* 47. § 3. *Ced. Prov.* 1803 *R.* 40. § 3.

23. In suits or appeals, regarding demands of revenue in which the Collector may be engaged, in consequence of orders from the Board of Revenue. *Beng.* 1793 *R.* 14. § 30. *Ben.* 1795 *R.* 6. § 36. *Ced. Prov.* 1803 *R.* 27. § 33.

24. But, in suits against a Collector for any sum demanded or received beyond the public revenue or to his own use, or for acts not warranted by a Regulation, the Collector is to appoint any of the authorized Vakeels of the Court. *Beng.* 1793 *R.* 14. § 32. *Ben.* 1795 *R.* 6. § 38. *Ced. Prov.* 1803 *R.* 27. § 35.

25. And in appeals brought against a decision in favour of a Collector or a suit for confining a landholder &c. unless defended under the orders of the Board of Revenue. *Beng.* 1793 *R.* 14. § 31. *Ben.* 1795 *R.* 6. § 37. *Ced. Prov.* 1803 *R.* 27. § 34.

26. Public officers engaged in the defence of suits brought, with leave of Government, to dispute acts done pursuant to orders of the Governor General in Council or Boards of Revenue or Trade, are to carry on such suits through the Vakeel of Government. *Beng.* 1793 *R.* 3. § 11. ext. *Ben.* 1795 *R.* 7. § 2. *Ced. Prov.* 1803 *R.* 2. § 15.

27. And specially Collectors of Revenue. *Beng.* 1793 *R.* 14. § 46. *Ben.* 1795 *R.* 6. § 51. *Ced. Prov.* 1803 *R.* 27. § 48.

28. Suits defended on the part of Government respecting any claim to hold land free of rent, and suits instituted under the orders of the Board of Revenue for the resumption of land held free of rent, are to be conducted by the Vakeel of Government. *Beng.* 1793 *R.* 19. § 15. *R.* 37. § 10. *Ben.* 1795 *R.* 41. § 15. *R.* 42. § 10. *Ced. Prov.* 1803 *R.* 31. § 10. *R.* 36. § 10.

29. A Salt Agent is to appoint any authorized Vakeel of the Court to defend a suit brought against him for an act not done pursuant to special orders of the Governor General in Council or Board of Trade. *Beng.* 1793 *R.* 29. § 24.

30. But a suit for any act done pursuant to such orders, or defended under the orders of those authorities, shall be carried on by the Vakeel of Government or any other authorized Vakeel according as the Board of Trade or Agent may deem proper. *Beng.* 1793 *R.* 29. § 25.

31.

A. D. 1793 31. Also an appeal authorized by the Board. *Beng.* 1793 *R.* 29. § 27.

32. The same in regard to a Commercial Resident, in suits for acts not done pursuant to orders. *Beng.* 1793 *R.* 31. § 17. *Ced. Prov.* 1803 *R.* 37. § 17. ext. *Ben.* 1805 *R.* 4. § 2.

33. And in appeals authorized by the Board. *Beng.* 1795 *R.* 31. § 21. *Ced. Prov.* 1803 *R.* 37. § 21. ext. *Ben.* 1803 *R.* 4. § 2.

Expired 34. The Collector of Customs at Manjee, is to employ the Vakeel of Government in motions to the Court for enforcing the recovery of fines imposed by the Board of Trade on the native officers. *Beng.* 1793 *R* 42. § 16.

35. And the Regulating Officer of the invalid Thanas, in motions for enforcing his decisions. *Beng.* 1793 *R.* 43. § 17.

36. And in prosecutions against witnesses guilty of perjury in suits before him. *Beng.* 1793 *R.* 43. § 14.

A. D. 1794. 37. The Collectors of Revenue are to employ the Vakeel of Government to file informations against illicit manufacturers or venders of liquors and drugs. *Beng.* 1794 *R.* 1. § 7. *Ben.* 1795 *R.* 47. § 10. *Ced. Prov.* 1803 *R.* 40. § 34.

38. In motions for the arrest of defaulting officers in charge of money or accounts, and in suits against the heirs of such officers. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 3. *Ced. Prov.* 1803 *R.* 33. § 3.

39. But are to appoint any of the authorized Vakeels of the Court to defend a suit brought against the Collector by such officers, their heirs or suretics. *Beng.* 1794 *R.* 3. § 21. ext. *Ben.* 1800 *R.* 5. § 2. *Ced. Prov.* 1803 *R.* 33. § 8.

A. D 1795 40. The Collector of Revenue in Benares is to employ the Vakeel of Government in motions for the apprehension of persons establishing a Koorh to prevent the service of a Dustuk for a demand of revenue. *Ben.* 1795 *R.* 21. § 6.

41. And in enforcing the confinement of a landholder &c. for resistance to process of a Tehsildar. *Ben.* 1795 *R.* 6. § 21. *Ced. Prov.* 1803 *R.* 6. § 21.

42. The indigo planters in Benares are required to have, at all times, in attendance at the Courts, Vakeels empowered to deliver competent answers to, and explanations of, all allegations against their constituents by natives. *Ben.* 1795 *R.* 33. § 4. *C.* 9.

43. Appeals, authorized by the Board of Trade, from any decision against a Collector of Customs or his officers, are to be carried on by the Vakeel of Government or any authorized Vakeel of the Court. *Beng.* 1795 *R.* 39. § 27. ext. *Ben.* 1801 *R.* 10. § 29. *Ced. Prov.* 1804 *R.* 11. § 46.

44. But in ſuits for acts not done purſuant to order, the Collector is to appoint any authorized Vakeel. *Beng.* 1795 *R.* 39. § 23 ext. *Ben.* 1801 *R.* 10. § 29. *Ced. Prov.* 1804 *R.* 11. § 42. A. D. 1795

45. The Vakeel of Government is to ſue on the part of Government for the forfeiture of land or crops under Section 6, Regulation 49 of 1793. *Beng. Ben.* 1798 *R.* 5. § 7. A. D. 1798

46. Appeals, authorized by the Board of Trade, from any deciſion againſt an opium Agent or his officers, are to be carried on by the Vakeel of Government or any authorized Vakeel. *Beng. Ben.* 1799 *R.* 6. § 32. A. D. 1799

47. But in ſuits for acts not done purſuant to orders, the Agent, or officer, is to appoint any authorized Vakeel. *Beng. Ben.* 1799 *R.* 6. § 28.

48. The Collector of Benares is to defend, through the Vakeel of Government, all ſuits brought to diſpute his confiſcation of ſmuggled ſtones. *Ben.* 1800 *R.* 2. § 12. A. D. 1800

49. The Collectors of city duties are to employ the Vakeel of Government on motions to the Court for enforcing fines impoſed on their native officers. *Beng. Ben.* 1801 *R.* 10. § 28. *Ced. Prov.* 1805 *R.* 6. § 35. A. D. 1801

50. And the Collectors of Government duties. *Beng. Ben.* 1801 *R.* 11. § 19. *Ced. Prov.* 1804 *R.* 11. § 31.

51. The Collector of Revenue may order the Vakeel of Government to plead the ſuits of the invalided Sepoys free of coſt. *Beng.* 1804 *R.* 1. § 14. A. D. 1804

52. The Vakeel of Government is to carry on any proſecution ordered by Government againſt a revenue or commercial officer for corruption. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 10. A. D. 1806

53. And againſt a judicial officer. *Ben.* 1806 *R.* 10. § 9.

P L E A D I N G S.

1. No plaint ſhall be received except from the plaintiff; nor any anſwer except from the defendant; or their Vakeels duly empowered. *Beng.* 1793 *R.* 4. § 2. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 2. A. D. 1793

2. The plaint is to ſtate preciſely the matter of complaint, its valuation, the name of the defendant, and the time when the cauſe of action aroſe; it is to be written in any native language at the option of the party; ſhall be ſigned, numbered, and dated by the Judge, in the order of its receipt, and copied and regiſtered by a native officer in a book. *Beng.* 1793 *R.* 4. § 3. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 3.

A. D. 1793

3. No plaint ſhall be received until the plaintiff have given ſecurity for the fees of his pleader. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 6.

4. Unleſs he be admitted to ſue in formâ pauperis. *Beng.* 1793 *R.* 46. § 2. ext. *Ben.* 1795 *R.* 23. § 2. *Ced. Prov.* 1803 *R.* 14. § 2.

5. If the defendant's anſwer ſtate any objection to the plaintiff's valuation, the Judge ſhall inquire into and decide on the objection, and the Court of Appeal will confirm or ſet aſide on appeal the Judge's deciſion thereon; if no objection be ſtated, the plaintiff's valuation will be held correct, as far as concerns the right of appeal to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 4. § 4. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 4.

6. When the defendant appears in perſon or by Vakeel, the Court is to fix a day for him to anſwer to the complaint, and may allow a further time if deemed reaſonable. *Beng.* 1793 *R.* 4. § 5. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 5.

7. If he refuſe to give anſwer, the plaintiff's ſuit ſhall be tried ex parte. *Beng.* 1793 *R.* 4. § 11. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 13.

8. Or, if after giving ſecurity, he refuſe to give anſwer, the plaintiff may recover by ſuit againſt the ſureties whatever he may prove to be due to him by the defendant, or may proceed to trial ex parte againſt the defendant. *Beng.* 1793 *R.* 4. § 12. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 14.

9. When the defendant has anſwered, the plaintiff is to reply on the next Court day; but ſhall not introduce any new matter: all matter omitted in the plaint muſt be ſupplied, with leave of the Court, in a ſupplemental plaint, to which, alſo, anſwer, reply and rejoinder ſhall be given. *Beng.* 1793 *R.* 4. § 5. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3 § 5.

10. When the plaintiff has replied, the defendant ſhall rejoin on the ſame day; or, if he refuſe or neglect to rejoin, the Regiſter of the Court ſhall rejoin for him; the rejoinder ſhall not contain any new matter: all matter omitted in the anſwer muſt be ſupplied, with leave of the Court, in a ſupplemental anſwer, to which, alſo, reply and rejoinder ſhall be given. *Beng.* 1793 *R.* 4 § 5. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 5.

11. Only one ſupplemental plaint and one ſupplemental anſwer ſhall be received. *Beng.* 1793 *R.* 4. § 5. ext. *Ben.* 1795 *R.* 8. § 2. *Ced Prov.* 1803 *R.* 3. § 5.

12. The petition of appeal to a Provincial Court is to ſtate the value of the property, or annual produce of the land, decreed; the name of the perſon in whoſe favour

it

it was decreed; the Court which passed the decree; whether it has been executed or not; and some cause, special or general, for appealing. *Beng.* 1793 *R.* 5. § 12. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 2. A. D.

13. And the petition of appeal to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 10. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 10. *C.* 3.

14. The original pleadings, in an appealed cause, are to be transmitted to the Provincial Court. *Beng.* 1793 *R.* 5. § 13. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 13.

15. And to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 11. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 11.

16. And by arbitrators with their award. *Beng.* 1793 *R.* 16. § 8. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21 § 8.

17. The pleadings in a Provincial Court are to be numbered, marked, dated and signed by the Register, as is directed for the Zilla Courts. *Beng.* 1793 *R.* 5. § 29. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 29.

18. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 28. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov* 1803 *R* 5. § 28.

19. If a suit be withdrawn, before all the pleadings have been filed, the pleaders are entitled to only half fees; but if after, to full fees. *Beng.* 1793 *R.* 7. § 13. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 12.

20. Pleadings (viz: plaint, answer, reply and rejoinder, and supplemental pleadings,) are to be written on stampt paper, paying the following duty; viz: four Annas in suits of 100 Rupees; eight Annas in suits of 200 Rupees; one Rupee in suits not appealable to the Sudder Dewannee Adaulut; and two Rupees in suits appealable to the Sudder Dewannee Adaulut. *Beng. Ben.* 1797 *R.* 6. § 17. *Ced. Prov.* 1803 *R.* 43 § 13. A. D. 1797

21. Officers of the Courts, filing or allowing to be filed an unstampt pleading, shall be dismissed; and the party, filing it, shall lose the benefit of it, until payment of a penalty of ten times the duty. *Beng. Ben.* 1797 *R.* 6. § 17. *C.* 11. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 9.

22. The Sudder Dewannee Adaulut is to recommend to Government the size of paper to be used for pleadings. *Beng. Ben.* 1797 *R.* 6. § 17. *C.* 7.

23. No more shall be written on a stampt sheet, than is usually written on other paper of the same size. *Beng. Ben.* 1797 *R.* 6. § 23. *C.* 1. *Ced. Prov.* 1803 *R.* 43. § 17. *C.* 1.

A. D. 1797 24. If the whole matter cannot be written on one ſheet, two or more ſheets ſimilarly ſtampt ſhall be uſed: but, if any part of the matter be written on an unſtampt ſheet attached to a ſtampt one, the ſame penalties ſhall be incurred as if the whole were unſtampt. *Beng. Ben.* 1797 *R.* 6. § 23. *C.* 2. *Ced. Prov.* 1803 *R.* 43. § 17. *C.* 2.

25. But penalties may be mitigated to not leſs than twice the duty. *Beng. Ben.* 1797 *R.* 6. § 23. *C.* 3. *Ced. Prov.* 1803 *R.* 43. § 17. *C.* 3.

A. D. 1800 26. Pleadings, delivered to native Commiſſioners in cauſes referred to them, need not be on ſtampt paper: except the plaint, which, being originally delivered to the Court, is to be on ſtampt paper. *Beng. Ben.* 1800 *R.* 7. § 20.

27. Pleadings in ſuits exceeding 1000 Rupees are to be on the higheſt rate of ſtampt. *Beng. Ben.* 1800 *R.* 7. § 21. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 5.

28. Supplemental pleadings are not liable to the exhibit fee. *Beng. Ben.* 1800 *R.* 7. § 22. *Ced. Prov.* 1803 *R.* 43. § 11.

A. D. 1803 29. Pleadings before the head Commiſſioners need not be written on ſtampt paper; but pleadings filed in appeals from their deciſions muſt be on ſtampt paper. *Beng. Ben.* 1803 *R.* 49 § 9. *C.* 11. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 11.

30. The regular pleadings need not be held on appeals to a Superior Court, againſt the rejection, or diſmiſſion for default, of an appeal in an inferior Court: nor any but ſuch ſummary proceedings as appear ſufficient on the ſtated ground for rejecting or diſmiſſing the previous appeal. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

A. D. 1805 31. Nor in appeals againſt the rejection or diſmiſſion of an original ſuit for default. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 11.

32. The parties in appeal, from Chandernagore and Chinſura, are not required to deliver their pleadings in perſon nor through a Vakeel; but the pleadings ſhall be received through the Judge, or in ſuch other manner as the Sudder Dewannee Adaulut may chooſe to adopt. 1805 *R.* 1. § 5. *C.* 1.

33. Any contempt of Court, or of the Courts at Chandernagore and Chinſura, ſhown in the pleadings on ſuch appeals, may be puniſhed by diſcretionary fine. 1805 *R.* 1. § 11.

34. If the cauſe of action ſhall have originated more than twelve years before the inſtitution of the ſuit, and the claim might be nevertheleſs cognizable in conſequence of the property having been acquired by unjuſt means, the plaintiff ſhall ſet forth the ſame diſtinctly in his plaint or replication *Beng Ben. Ced. Prov.* 1805 *R.* 2 § 3. *C.* 2.

POISONING

POISONING.

1. In cases of wilful homicide by poisoning, when the intention of poisoning is evident, the Nizamut Adaulut shall sentence the prisoner to death, whatever may be the Futwa, if deemed convicted and not an object of mercy. *Beng. Ben.* 1799 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 1. A. D. 1799.

POLICE TAX, (ABOLISHED.)

1. The Police tax is to be collected by the Collectors of Revenue. *Beng.* 1793 *R.* 2. § 8. *C.* 12. *R.* 23. § 3. A. D. 1793 Expired

2. The tax imposed on the 7th December 1792, on merchants, traders and shop-keepers, for defraying the Police establishments, shall cease. *Beng.* 1793 *R.* 23. § 2. Rescinded 1797 *R.* 6 § 9.

3. And a new assessment is to be made at the beginning of the next and every succeeding year. *Ibid* § 7. ditto

4. On the traders, &c. of every town, &c. *Ibid* § 8. ditto

5. It is to be calculated in Zillas, on the proportion which the abolished Sayer bears to the expense of the Police. *Ibid* § 10. ditto

6. On statements of the Sayer to be formed by the Collector. *Ibid* § 9. ditto

7. Except where a deviation may be necessary. *Ibid* § 18. ditto

8. In cities it shall be calculated on the extent of the commercial dealings. *Ibid* § 11. ditto

9. Any surplus of one year, is to be deducted from the next. *Ibid* § 28. ditto

10. And any deficiency is to be added to the next year's assessment. *Ibid* § 29. ditto

11. The assessment is to be made by the Collectors of the land revenue. *Ibid* § 3. ditto

12. Assessors are to be appointed for assessing the tax. *Ibid* § 12. ditto

13. Who shall have Sunnuds. *Ibid* § 13. ditto

14. And take a prescribed oath. *Ibid* § 14. ditto

15. Or subscribe a declaration. *Ibid* § 15. ditto

16. And shall be fined if they refuse to act. *Ibid* § 16. ditto

17. They shall assess each trader in proportion to his dealings. *Ibid* § 20. ditto

18. And shall affix the record of their assessments in the Police Thanas. *Ibid* § 21. ditto

19. And transmit a copy to the Collector, who shall send a copy to the Judge. *Ibid* § 30. ditto

20. The Police Daroghas are to record in their reports the date of affixing the record; and the Daroghas of cities are to report it next day to the Magistrate. *Ibid* § 22. ditto

A. D. 1793 Rescinded 1797 R. 6 § 2

21. Assessors may act as Collectors of the tax, or other persons may be appointed to collect it. *Ibid* § 29.

ditto

22. Who shall grant receipts for what they collect. *Ibid* § 33.

ditto

23. If any trader die, his arrear of tax shall be paid by his successor. *Ibid* § 31.

ditto

24. If any trader remove to another place, the Collector of the other place shall collect his arrear of tax from him. *Ibid* § 32.

ditto

25. If any person refuse to pay the tax, it shall be recovered from him by distress. *Ibid* § 34.

ditto

26. No person shall pay more than is assessed upon him, nor any thing till the record of the assessment shall have been completed and fixed up. *Ibid* § 23.

ditto

27. The assessment of each Pergunna and ward of a city shall be affixed in the Court-room of the Zilla and City. *Ibid* § 17.

ditto

28. If the merchants of a Pergunna or ward object to the whole assessment, the Court shall confirm or lower the assessment after due inquiry. *Ibid* § 18.

ditto

29. But no objection shall be heard, unless preferred within one month; and the cause shall be defended by the Vakeel of Government on the part of the Collector. *Ibid* § 19.

ditto

30. On any objection of an individual merchant to his particular assessment, the Court shall proceed similarly. *Ibid* § 24.

ditto

31. But the objection shall not be heard unless preferred within a month. *Ibid* § 25.

ditto

32. And the cause shall be defended by the Vakeel of Government on the part of the Collector. *Ibid* § 26.

ditto

33. And the individual shall continue to pay the assessment until the decision of the Court. *Ibid* § 27.

ditto

34. Collectors are to insert in their accounts, under the head of Police, all sums received on this account. *Ibid* § 4.

ditto

35. And such sums are to be appropriated to no other purpose. *Ibid* § 5.

ditto

36. Collectors are to pay to the Magistrates the Police establishments monthly. *Ibid* § 6.

ditto

37. They are to report all Police allowances which they may deem resumable from landholders. *Ibid.* § 36.

ditto

38. And are to transmit to the Board, annual statements of the assessment for Zillas. *Ibid* § 37.

39. And for Cities. *Ibid.* § 38.

40. And to correspond with the Board on this subject. *Ibid.* § 39.

41. The Police tax, imposed by Regulation 23 of 1793, is rescinded. *Beng.* 1797 *R.* 6. § 2. *C.* 1. A. D. 1797

POLICE.

I. *ESTABLISHMENTS FOR POLICE.*

1. Allowances and produce of land, formerly appropriated by landholders to Police establishments, if resumed by Government, shall continue appropriated to the same purpose. *Beng.* 1793 *R.* 1. § 8. *C.* 4. *Ben.* 1795 *R.* 27. § 5. *C.* 4. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 4. A. D. 1793

2. All such as may not have been already resumed, are to be reported by the Collectors with their opinion on the propriety of resuming them. *Beng.* 1793 *R.* 23. § 36

3. The Police of the country in Bengal, Behar and Orissa, is to be under charge of officers on the part of Government; landholders and farmers are to discharge their former Police establishments. *Beng.* 1793 *R.* 22. § 2.

4. And are not responsible for robberies except on proof of connivance or of neglect to give assistance, in which case they may be prosecuted before the Court of Circuit; and their lands and effects sold by order of Government to make good the property robbed. *Beng.* 1793 *R.* 22. § 3.

5. Magistrates are to divide the Zillas into Police jurisdictions of ten Coss square each, with a Darogha and an establishment to each. *Beng.* 1793 *R.* 22. § 4.

6. And the cities of Dacca, Patna and Moorshedabad into wards: with a Darogha and an establishment to each. *Beng.* 1793 *R.* 22. § 26.

7. The jurisdictions are to be numbered and named; and the names are not to be changed without the sanction of Government. *Beng.* 1793 *R.* 22. § 5. *Ben.* 1795 *R.* 17. § 5. *Ced. Prov.* 1803 *R.* 35. § 5.

8. And the wards of a city. *Beng.* 1793 *R.* 22. § 27. *Ben.* 1795 *R.* 17. § 24.

9. Daroghas are to be appointed by the Magistrates, and are to give security themselves in 500 Rupees and two sureties in 250 Rupees each; and they are not to be removed, except by order of Government; to whom the Magistrates shall report misconduct of Daroghas, suspending them and appointing a substitute pro tempore. *Beng.* 1793 *R.* 22. § 6.

10.

A. D. 1793. 10. And Kotwals of cities, giving security themselves in 2500 Rupees and two sureties in 1250 each. *Beng.* 1793 *R.* 22. § 28.

11. Zilla Daroghas may be prosecuted criminally before the Court of Circuit, or sued for damages in Civil Courts, if guilty of oppression &c. *Beng.* 1793 *R.* 22. § 22. *Ben.* 1795 *R.* 17. § 20. *Ced. Prov.* 1803 *R.* 35. § 21.

12. And Daroghas of cities. *Beng.* 1793 *R.* 22. § 33. *Ben.* 1795 *R.* 17. § 35.

13 Daroghas are to have Sunnuds from the Magistrates and to be furnished with a copy of this Regulation. *Beng.* 1793 *R.* 22. § 23. *Ben.* 1795 *R.* 17. § 21. *Ced. Prov.* 1803 *R.* 35. § 22.

14. And Kotwals of cities. *Beng* 1793 *R.* 22. § 39. *Ben.* 1795 *R.* 17. § 36.

15. Collectors are to pay to Magistrates the amount of the Police establishments monthly, though the collections from the Police tax should not equal the amount. *Beng.* 1793 *R.* 23. § 6.

A. D. 1795 16. The Police of the country in Benares is subject to the control of the Magistrates and under the joint charge of the Tehsildars and landholders. *Ben.* 1795 *R.* 17. § 2. *Ced. Prov.* 1803 *R.* 35. § 2.

17. The Tehsildars are responsible in the first instance, and the landholders and farmers are responsible to the Tehsildars, for all thefts and robberies (except night robberies in roads and woods, unless it be proved, that, from previous information, they might have prevented them), and for robberies upon travellers in inhabited places, if proved to be with their connivance or from their want of vigilance. *Ben.* 1795 *R.* 17. § 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 1.

18. Each Tehsildaree shall form a Police jurisdiction. *Ben.* 1795 *R.* 17. § 4. *Ced. Prov.* 1803 *R.* 35. § 4.

19. The cities of Benares and the towns of Mirzapoor, Juanpoor and Ghazipoor, are to be divided by the Magistrates into wards. *Ben.* 1795 *R.* 17. § 23.

20. If the Magistrates deem any Tehsildar unfit for the office, he shall report the ground of his opinion to Government. *Ben.* 1795 *R.* 17. § 6. *Ced. Prov.* 1803 *R.* 35. § 6.

21. No person is to be appointed Kotwal of Benares or Mirzapoor without 5000 Rupees security, nor of the other towns or cities, without half that security. *Ben.* 1795 *R.* 17. § 25.

22. The produce of land set apart for Police charges may be resumed by Government if the landholders should be exonerated from being responsible for the Police; but will continue appropriated to the same purpose. *Ben.* 1795 *R.* 27. § 5. *C.* 4.

23.

23. The produce of lands and the allowances, resumed or resumable by Clause 4, Section 8, Regulation 1 of 1793, are to be carried to public account towards defraying the Police. *Beng.* 1797 *R.* 6. § 2. *C.* 2. A. D. 17

24. Landholders &c. in Benares are to give their utmost assistance for preventing breaches of the peace and for apprehending all offenders on requisition from the Tehsildar *Ben* 1797 *R.* 2. § 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 2.

25. And, if convicted of neglect, shall forfeit their estates or be fined to Government *Ben.* 1797 *R.* 2. § 3. *C* 1. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 3.

26. Suits against Tehsildars for losses by robbery, and by Tehsildars for indemnification, are to be brought in the Civil Courts. *Ben.* 1797 *R.* 8. § 2. *Ced. Prov.* 1804 *R* 3. § 6 *C* 1.

27. Tehsildars of places held Kham are responsible like others. *Ben.* 1797 *R.* 8. § 3. *Ced. Prov* 1804 *R.* 3. § 6. *C.* 2.

28. Charges for criminal neglect are to be tried by the Magistrates, who, if they acquit the party, may allow him damages; and, if they convict him, shall sentence him to fine or forfeiture according to the case, and transmit all proceedings with a translation to the Nizamut Adaulut. *Ben.* 1797 *R.* 2. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 4.

29. Whose decision, if for a fine, shall be final; if for forfeiture, shall be submitted to Government. *Ben.* 1797 *R.* 2. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 5.

30. Government will defray the Police establishments of cities, large towns and populous Ganjes in the Ceded Provinces; but such establishments shall be under the orders of the Tehsildar except those of the Magistrate's own place of residence, which are to be under the Magistrate's control solely. *Ced. Prov.* 1803 *R.* 35. § 23. A. D. 1803

31. The Magistrates are to appoint the Daroghas of such establishments as are defrayed by Government; but they are not to be removed without proof of misconduct to the satisfaction of the Governor General in Council: Magistrates may suspend them, reporting the grounds to Government and appointing a person to act pro tempore: such Daroghas are to give security in 1000 Rupees. *Ced. Prov.* 1803 *R.* 35. § 24.

32. The whole of the Police rules are equally applicable to Huzooree landholders and to Daroghas under the immediate authority of the Magistrates, as to the Tehsildars. *Ced. Prov.* 1803 *R.* 35. § 26.

33. The Magistrates of the Conquered Provinces and Bundelkhund are to appoint Police officers where necessary, in like manner as the Magistrates of the Ceded Provinces A. D. 1804

A. D. 1804 vinces are empowered to nominate them; and shall be guided by the Regulations for the Ceded Provinces: but Zemindars, farmers and other landholders shall continue to perform the duties imposed on them by the terms of their tenures and the custom of the country, for the prevention of crimes, and the maintenance of peace, subject to the same responsibility as heretofore. *Ben. Ced. Prov.* 1804 *R.* 9 § 9.

34. The Magistrate of Bundelkhund is to exercise the duties of the Police under the superintendence of the Commissioners, who are also authorized to act as Magistrates, and to whose sanction the appointment of the Police officer shall be subject *Ced. Prov.* 1804 *R.* 9 § 10.

35 Sections 5 to 9, Regulation 5 of 1804, for the appointment of public officers, are applicable to Police Daroghas and Tehsildars in charge of Police; but the latter shall be nominated by the Collector, through the Board, to Government, and shall not be suspended except by the Collector, Board, or Governor General in Council. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 10.

II. *POLICE OF CUTTACK AND THE JUNGUL MEHALS.*

A. D. 180 1. The Magistrates of Cuttack are to have charge of the Police under the superintendence of the Commissioners, and shall, with their sanction, station Daroghas; and all rules regarding the Police of Bengal, Behar and Orissa, shall extend to Cuttack: but Zemindars, farmers and other landholders shall continue to perform the duties imposed on them by the terms of their tenures, and the custom of the country, for the prevention of crimes and the maintenance of peace, subject to the same responsibility as heretofore. *Beng.* 1804 *R.* 4. § 6.

A. D. 1805 2. The following rules are enacted for the Police of Cuttack. *Beng.* 1805 *R.* 13. § 4 *C* 1.

3. Zemindars not formally divested by the Mahratta Government of the charge of Police shall continue responsible; the principal Zemindars being constituted Daroghas, and the inferior Zemindars subordinate officers of Police, within their respective estates. *Beng.* 1805 *R.* 13. § 4. *C* 2.

4. When the Zemindars have been divested, one or more Sirdar Payiks shall be appointed under the control of the Daroghas. *Beng* 1805 *R.* 13 § 4. *C.* 3.

5. Daroghas are to have such salaries as the Governor General in Council may direct. *Beng.* 1805 *R* 13. § 4. *C.* 4

6. The lands, assigned for the maintenance of the Sirdar Payiks, and for the support of the Police, shall be continued to them, but they may be dispossessed for misconduct: and the Magistrates, when they deem a Sirdar Payik deserving of dismission, shall report it to the Nizamut Adaulut: but the inferior Payiks are to be appointed on vacancies by

the

the Sirdar Payik, on making himself responsible for their conduct. *Beng.* 1805 *R.* 13. § 5.

7. The Collectors are to form a complete register of such lands and transmit a copy to the Board of Revenue. *Beng.* 1805 *R.* 13. § 10.

8. The above rules are not applicable to land assigned for the watchmen entertained by the Zemindars for the purpose of watching crops, &c. *Beng.* 1805 *R.* 13. § 11.

9. The Daroghas are to form, under the guidance of the Magistrate, a complete register of the Sirdar and other Payiks. *Beng.* 1805 *R.* 13. § 6.

10. The Daroghas are to fix, under the orders of the Magistrates, the limits of the local authority of the Sirdar Payiks and of the inferior Police officers *Beng.* 1805 *R.* 13. § 7.

11. All Zemindars, though not formally constituted Police officers, are to afford every assistance in the apprehension of offenders and the prevention of breaches of the peace. *Beng.* 1805 *R* 13. § 8.

12 Zemindars, suspected of conniving at any offences, shall be prosecuted before the Criminal Courts *Beng.* 1805 *R.* 13. § 9.

13. All rules regarding the Police in Bengal, not inconsistent with those provisions, are to have full force in Cuttack. *Beng.* 1805 *R.* 13. § 13.

14. The prohibition of Section 2, Regulation 22 of 1793, against landholders entertaining Police establishments, does not extend to any district under the Magistrate of the Jungul Mehals of which the Police has been or may be committed to the landholders, nor to any landholder in any other district whom the Governor General in Council may authorize to entertain such an establishment. *Beng.* 1805 *R.* 18. § 5.

15 Zemindars, entrusted with the Police, shall receive Sunnuds from the Magistrate under the authority of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 1.

16. And shall not be deprived except for misconduct proved to the satisfaction of the Governor General in Council, for whose final determination the Magistrate shall report through the Nizamut Adaulut, when of opinion that there are grounds for depriving a Zemindar *Beng* 1805 *R.* 18. § 7 *C.* 2.

17. They shall keep such an establishment of watchmen, as may be fixed by the Magistrate, with the approbation of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 3.

18. Furnishing a list of the persons employed, with a statement of their allowances

in

A. D. 1805 in land or money, and reporting to the Magistrate all appointments on death or removal. *Beng.* 1805 *R.* 18. § 7. *C.* 8.

19. The Zemindars shall be furnished with copies of all Regulations for the conduct of Police Darughas, and are required to observe the rules contained in them. *Beng.* 1805 *R.* 18. § 7 *C.* 4.

20. They shall send to the Magistrate, or the nearest Police Darogha, or the nearest military officer acting in support of the Police, all persons charged with any heinous crime within twenty-four hours after apprehension. *Beng.* 1805 *R.* 18. § 7. *C.* 8.

21. And shall take security from prosecutors and witnesses to appear before the Magistate on a certain day. *Beng.* 1805 *R.* 18. § 7. *C.* 9.

22. They may take Razeenamas in complaints for petty assaults or abusive language, if delivered in twenty-four hours. *Beng.* 1805 *R.* 18. § 7. *C.* 10.

23. They shall apprehend Choars and other plunderers committing a breach of the peace within their limits, or passing through them after the commission of such an offence; and without a written charge, all persons committing any heinous crimes, or with the stolen goods, or on a hue and cry, and any notorious robbers, thieves and suspicious vagrants. *Beng.* 1805 *R.* 18. § 7. *C.* 11.

24. No Zemindar shall summon the Rayats of another Zemindar. *Beng.* 1805 *R.* 18. § 7. *C.* 12.

25. The Police Officers of one Zemindar are not subject to the orders of another, but when necessary, or called upon by the Magistrate, or by an officer authorized by the Magistrate, they are jointly to use their endeavours to pursue and apprehend Choars and other disturbers of the peace. *Beng.* 1805 *R.* 18. § 7. *C.* 13.

26. No Zemindar shall send his Police officers within the limits of another, except on an application from him, or by an express order from the Magistrate, or from an officer authorized by the Magistrate: the Zemindars are to use their utmost endeavour to apprehend Choars &c. assembled in their limits or passing through for the purpose of plundering or after the commission of depredations; and, should assistance be necessary for their apprehension, shall send information to any military officer in the neighbourhood, or to the nearest Police station, and to the Magistrate. *Beng.* 1805 *R.* 18. § 7. *C.* 14.

27. Any Zemindar or his officer convicted of conniving at depredations, or of wilful neglect in the prevention of them, will be liable to fine and imprisonment, and in heinous cases to forfeiture of his lands. *Beng.* 1805 *R.* 18. § 7. *C.* 15.

28. The Magistrate, when of opinion that such a charge is proved, shall record his judgment, and the punishment deemed adequate; transmitting his proceedings to the

Nizamut

Nizamut Adaulut for the sentence of that Court, and in cases of forfeiture for the ultimate determination of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 16. A. D. [illegible]

29. Zemindars, deemed by the Magistrate guilty of being concerned in robbery, or of having aided robbers, or received plundered property, shall be prosecuted before the Court of Circuit; and if convicted, their lands shall be liable to confiscation, or to be sold for making good the value of the property, at the discretion of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 17.

30. On receiving their Sunnuds they shall enter into engagements to be responsible for all property robbed or stolen within their estates, unless on clear proof that the robbery or theft was not owing to want of care in them or their officers; and may be sued in the Civil Court for the recovery. *Beng.* 1805 *R.* 18. § 7. *C.* 18.

31. They are to transmit regular information to the Magistrate of all occurrences relating to Police, and send monthly reports according to the form prescribed by the Magistrate. *Beng.* 1805 *R.* 18. § 7. *C.* 19.

32. All reports of Zemindars, and all orders of the Magistrate to them, shall be in the language used in their Zemindaries. *Beng.* 1805 *R.* 18. § 7. *C.* 20.

33. Where a Police Darogha is appointed, the Zemindar shall aid him in preserving the peace. *Beng.* 1805 *R.* 18. § 7. *C.* 6.

34. Managers of disqualified landholders are eligible for the charge of the Police, with the sanction of Government; and shall receive the same Sunnud, execute the same engagement, and perform the same duties, as Zemindars, under the same responsibility, or with such qualification as the Governor General in Council may in any instance direct. *Beng.* 1805 *R.* 18. § 7. *C.* 21.

35. The town of Jugunnautpoor and adjacent country shall form a Police jurisdiction within such limits as Government may fix; and one or more of the Dewulpurchas, as the Governor General in Council may direct, shall be appointed Daroghas thereof. *Beng.* 1806 *R.* 4. § 22. A. D. 1806

36. The Collector of the pilgrim tax shall, with the assistance of the Police officers, establish rules for guarding against accidents and confusion and for preserving regularity and good order. *Beng.* 1806 *R.* 4. § 8.

III. *DUTIES OF POLICE OFFICERS.*

1. On a charge of a criminal nature being preferred to a Darogha he shall apprehend the offender, and send him in twenty-four hours to the Magistrate; unless, in charges punishable by the Magistrate, the party should give security to appear before A. D. 1793

A. D. 1793 the Magiſtrate. *Beng.* 1793 *R.* 22. § 7. *Ben.* 1795 *R.* 17. § 7. *Ced. Prov.* 1803 *R.* 35. § 7.

2. The Darogha may apprehend, without a written charge, perſons taken in the commiſſion of an offence, or with the ſtolen property. *Beng.* 1793 *R.* 22. § 8. *Ben.* 1795 *R.* 17. § 8. *Ced. Prov.* 1803 *R.* 35. § 8.

3. Or noted robbers, or common vagrants, but no others. *Beng.* 1793 *R.* 22. § 10. *Ben.* 1795 *R.* 17. § 10. *Ced. Prov.* 1803 *R.* 35. § 10.

4. The Daroghas ſhall take ſecurity from the proſecutor, and his witneſſes, to attend the Magiſtrate on the day fixed for the defendant's attendance, or on the day when he may be expected to arrive, if ſent in cuſtody. *Beng.* 1793 *R.* 22. § 9. *Ben.* 1795 *R.* 17. § 9. *Ced. Prov.* 1803 *R.* 35. § 9.

5. Daroghas of cities are to apprehend all perſons charged with or ſuſpected of crimes, and all vagrants lurking in their wards: perſons apprehended in a city are to be carried before the Magiſtrate on the next morning. *Beng.* 1793 *R.* 22. § 31. *Ben.* 1795 *R.* 17. § 29.

6. Police Daroghas ſhall ſeize and ſend to the Magiſtrate all vagrants or ſuſpected perſons lurking in their juriſdictions; the Magiſtrate ſhall examine them on oath, and all perſons acquainted with their uſual reſidence and occupation; and, if he ſee grounds for ſuſpecting them to be ill diſpoſed people, ſhall employ them on the public roads till they find ſecurity for good behaviour, or ſhow ſigns of amendment, or till ſome creditable perſon take them into his ſervice: and, if they eſcape before being regularly diſcharged, they ſhall on re-apprehenſion be impriſoned and kept to hard labour for ſix months. *Beng.* 1793 *R.* 22. § 10. *Ben.* 1795 *R.* 17. § 10. *Ced. Prov.* 1803 *R.* 35. § 10.

7. The Magiſtrates of cities are to proceed with vagrants, or ſuſpected perſons found in cities, as directed in Section 10. *Beng.* 1793 *R* 22. § 33. *Ben.* 1795 *R.* 17. § 31.

8. The Darogha is not to diſcharge any perſon apprehended, nor inquire into, nor paſs ſentence on the charge, nor impoſe any fine, nor inflict any puniſhment. *Beng.* 1793 *R.* 22. § 11. *Ben.* 1795 *R.* 17. § 11. *Ced. Prov.* 1803 *R.* 35. § 11.

9. Nor Daroghas of cities. *Beng.* 1793 *R.* 22. § 34. *Ben.* 1795 *R.* 17. § 32.

10. But in petty aſſaults, &c. ſpecified in Section 8, Regulation 9 of 1793 (but not petty thefts in Section 9) he may diſcharge the priſoner, on the complainant giving a Razeenama atteſted by two witneſſes; which is to be ſent to the Magiſtrate. *Beng.* 1793 *R.* 22. § 12. *Ben.* 1795 *R.* 17. § 12. *Ced. Prov.* 1803 *R.* 35. § 12.

11. And Daroghas of cities. *Beng.* 1793 *R.* 22. § 32. *Ben.* 1795 *R.* 17. § 30.

12. Daroghas ſhall ſend monthly reports to the Magiſtrate of all perſons apprehended:

any

any omission in the reports shall be reported to Government, and the Darogha be suspended pro tempore. *Beng.* 1793 *R.* 22. § 21. *Ben.* 1795 *R.* 17. § 19. *Ced. Prov.* 1803 *R.* 35. § 20. A. D. 1793

13. All village watchmen are to be under the orders of the Daroghas, who shall keep a register of their names, and to whom the names of all watchmen appointed on vacancies shall be reported by the landholders. *Beng.* 1793 *R.* 22. § 13. *Ben.* 1795 *R.* 17. § 13. *Ced. Prov.* 1803 *R.* 35. § 13.

14. The watchmen shall apprehend and send to the Darogha all persons taken in the commission of a crime; and shall transmit notice of robbers and vagrants lurking in the country: watchmen, guilty of conniving at crimes, shall be dismissed on requisition of the Magistrate, and punished according to law. *Beng.* 1793 *R.* 22. § 14. *Ben.* 1795 *R.* 17. § 14. *Ced. Prov.* 1803 *R.* 35 § 14.

15. Mahulladars shall be appointed to each ward of a city for the same duties. *Beng.* 1793 *R.* 22. § 30. *Ben.* 1795 *R.* 17. § 27.

16. Daroghas are to send immediate notice by the Dawk to the Magistrate and to other Daroghas of all crimes committed. Daroghas, who are not on the Dawk road, shall send their letters from village to village through the head person of the village: landholders are required to be careful of the transmission of such letters; but Daroghas, dispatching by the Dawk private letters as public, shall be dismissed. *Beng.* 1793 *R.* 22. § 15.

17. And Daroghas of Cities. *Beng.* 1793 *R.* 22. § 35.

18. Daroghas are to transmit the monthly reports of native Commissioners if delivered to them. *Beng.* 1793 *R.* 40. § 18. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 16.

19. A concurrent jurisdiction is vested in the Magistrates of different Zillas and Cities, and in the Daroghas, for apprehending offenders pursued from one Zilla into another: landholders and all other persons are required to assist. *Beng.* 1793 *R.* 22. § 16. *Ben.* 1795 *R.* 17. § 15. *Ced. Prov.* 1803 *R.* 35. § 16.

20. When any persons shall be thus apprehended in a different jurisdiction, a note of their names and crimes shall be delivered to the Darogha in whose jurisdiction they are apprehended, for transmission to the Magistrate. *Beng.* 1793 *R.* 22. § 17. *Ben.* 1795 *R.* 17. § 16. *Ced. Prov.* 1803 *R.* 35. § 17.

21. The same authorities are vested, under the same rules, in the Magistrates of Cities. *Beng.* 1793 *R.* 22. § 25.

22.

A. D. 1793 22. Daroghas shall receive a reward of ten Rupees for each Dukyt convicted, and of ten per cent on all stolen property recovered through their means. *Beng.* 1793 *R.* 22. § 18. *Ben.* 1795 *R.* 17. § 17. *Ced. Prov.* 1803 *R.* 35. § 18.

23. And Daroghas of Cities. *Beng.* 1793 *R.* 22. § 36. *Ben.* 1795 *R.* 17. § 33.

24. Daroghas shall proceed, or depute a person, to the principal markets on market days, to prevent disputes. *Beng.* 1793 *R.* 22. § 19. *Ben.* 1795 *R.* 17. § 18. *Ced. Prov.* 1803 *R.* 35. § 19.

25. And Daroghas of Cities. *Beng.* 1793 *R.* 22. § 37. *Ben.* 1795 *R.* 17. § 34.

26. Daroghas &c. of city wards are to patrole their wards from midnight till day light. *Beng.* 1793 *R.* 22 § 29. *Ben.* 1795 *R.* 17. § 26.

27. Police Daroghas are to be guided by the same rules with Magistrates, in apprehending persons employed in the salt manufacture. *Beng.* 1793 *R.* 29. § 20. *C.* 7.

28. Or in the cloth investment. *Beng.* 1793 *R.* 31. § 10 *C.* 7. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 7. ext. *Ben.* 1805 *R.* 4. § 2.

Re-enacted 1804 R. 1 § 15 29. The processes of Police officers are to be obeyed in the invalid Thanas, under pain of such punishment as the Magistrates are authorized to inflict. *Beng.* 1793 *R.* 43. § 25.

A. D. 1795 30. The Bhutiyaries of the public Serays, and the Ghaut Manjhees, shall deliver a daily report of all passengers arriving and departing; and the Doams are not to burn the bodies of any Hindoos dying other than a natural death till they have reported to, and received the orders of, the Magistrate. *Ben.* 1795 *R.* 17. § 27.

31. The watchmen of the gateways to the inhabited closes or courts are to make daily report of such occurrences therein as belong to the cognizance of the Police. *Ben.* 1795 *R.* 17. § 28.

A. D. 1796 32. Persons, charged on oath with resistance to the process of Police officers, are to be apprehended by the Magistrate; or, if they abscond, shall be proclaimed. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 1. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 1.

Modified 1804 R. 9 § 5 33. On conviction, landholders are to be adjudged to forfeiture of land. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 2. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 2.

ditto 34. Sudder farmers, to forfeiture of their lease. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 3. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 3.

35. Any other persons, to a fine commutable, with the sanction of the Nizamut Adaulut, into imprisonment or corporal punishment. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 4. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 4.

36.

36. Every such judgment shall be sent to the Nizamut Adaulut. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 6. A. D. 1796

37. Whose sentence, if for a fine, imprisonment, or corporal punishment, shall be final; and, if for forfeiture, shall be submitted to Government. *Beng. Ben.* 1796 *R.* 11. § 3. *Ced. Prov.* 1804 *R.* 3. § 3.

38. Police Daroghas, on hearing of an unnatural death, shall proceed to the spot and view the dead body. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 1. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 1. A. D. 1797

39. And ascertain the number and size of the wounds, the weapon with which given, and the part of the body on which received. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 2.

40. The place where the body was found, and whether killed there or brought thither. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 3. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 3.

41. The name of the person if known, or where he last slept if unknown. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 4. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 4.

42. All these points are to be written down in the presence of creditable witnesses and sent to the Magistrate. *Beng. Ben.* 1797 *R.* 4. § 9. *C.* 5. *Ced. Prov.* 1803 *R.* 35. § 25. *C.* 5.

43. Complaints for offences punishable by Magistrates, when originally preferred to a Police officer, need not be written on stampt paper: but, if not compromised, are to be written on stampt paper when brought before the Magistrate. *Beng. Ben.* 1797 *R.* 10. § 8. Modified 1800 R. 7 § 18

44. Police officers are to use all diligence for the recovery of stolen property, and are to search houses, &c. in which stolen property may be sworn or suspected to be concealed. *Beng. Ben.* 1797 *R.* 14. § 7.

45. Police officers, on complaints preferred to them against officers of a salt Chokee, are to enclose the summons, with copy of the complaint, in a sealed cover directed to the Board of Trade, or Salt Agent, or Ameen. *Beng.* 1798 *R.* 4. § 6. A. D. 1798

46. Charges for offences punishable by Magistrates shall be written on stampt paper when preferred to Police officers; who shall not receive any complaint unless on stampt paper, under penalty of immediate dismission. *Beng. Ben.* 1800 *R.* 7. § 23. *Ced. Prov.* 1803 *R.* 43. § 23. A. D. 1800

47. Persons, charged with resistance to process of Police officers, may be bailed, if there be no aggravating circumstances in the case; and warrants on salt workers or A. D. 1801

A. D. 1801 weavers shall be served as directed in Regulations 29 and 31 of 1793. *Beng. Ben.* 1801 *R.* 9. § 4. *Ced. Prov.* 1804 *R.* 3. § 5.

48. If convicted, they may be adjudged to the punishment which Magistrates are authorized to inflict, by Section 8, Regulation 9 of 1793, should the Magistrate deem it sufficient, subject to revision by the Court of Circuit and reference to the Nizamut Adaulut under Section 17. *Beng. Ben.* 1801 *R.* 9. § 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 5.

A. D. 1803 49. Daroghas and watchmen in the Ceded Provinces are to be careful not to confound with vagrants, strangers coming to settle; but shall give them every encouragement and keep a watchful eye over them and report their arrival to the Magistrate. *Ced. Prov.* 1803 *R.* 35. § 15.

A. D. 1804 50. The processes of Police officers are not to be resisted in the invalid Thanas, under pain of such punishment as the Magistrates are authorized to inflict. *Beng.* 1804 *R.* 1. § 15.

IV. *MISCELLANEOUS RULES OF POLICE.*

A. D. 1793 1. All persons are prohibited from building or using boats of the following denominations and dimensions, without obtaining previous authority from the Magistrate; viz. Lukhas 40 to 90 cubits long, 2¼ to 4 broad; Jelkurs 30 to 70 long, 3¼ to 5 broad; Chandpoor Panswais carrying more than 30 oars. *Beng.* 1793 *R.* 22. § 20. *C.* 1.

2. The Magistrate may authorize any person to build or use such boats for trade, travelling or recreation, taking care not to grant a license excepting to persons, who, he may be satisfied, will not permit them to be employed for improper purposes; the license is to be in writing, under the Magistrate's official seal and signature, with this section transcribed on it; and shall remain constantly with the boat, under pain of confiscation: persons, desirous to sell or transfer such a boat, must apply to the Magistrate, whose sanction shall be endorsed on the license. *Beng.* 1793 *R.* 22. § 20. *C.* 5.

3. Police Daroghas of Zillas shall seize all boats built, used or transferred in opposition hereto; and send to the Magistrate all artificers employed in building and repairing such boats; and shall report the name of the proprietor of the village in which such boat was built or repaired. *Beng.* 1793 *R.* 22. § 20.

4. Magistrates of Zillas shall seize and confiscate all such boats built, used, or transferred, without authority. *Beng.* 1793 *R.* 22. § 20. *C.* 2.

5. And shall punish by imprisonment not exceeding one month, or stripes of a ratan not more than twenty, all artificers proved to have built or repaired such boats. *Beng.* 1793 *R.* 22. § 20. *C.* 4.

6.

6. Magistrates and Police officers of cities are vested with the same authorities. *Beng.* 1793 *R.* 22. § 35. A. D. [illegible]

7. Any landholder, permitting such a boat to be built or repaired in his estate, shall forfeit to Government the village in which it shall have been built or repaired. *Beng.* 1793 *R.* 22. § 20. *C.* 3.

8. The assessment of the Police tax is to be affixed at all the Police stations. *Beng.* 1793 *R.* 23. § 21. [illegible]

9. And the Daroghas shall record the day of its being affixed. *Beng.* 1793 *R.* 23. § 22. [illegible]

10. Daroghas are to afford the necessary assistance on applications for seizing contraband salt. 1793 *R.* 30. § 5. *C.* 1. [illegible]

11. Unlicensed venders of liquors and drugs, if apprehended under orders of the revenue Collector by the tax-gatherers, shall be delivered to the Police Daroghas; or application may be made to the latter for apprehending them. *Beng.* 1794 *R.* 1. § 4. ext. *Ben.* 1795 *R.* 47. § 9. A. D. [illegible]

12. Or by a tax gatherer on information lodged before himself. 1794 *R.* 1. § 5.

13. Daroghas shall, on such applications in writing, apprehend the party and send him to the Judge in twenty-four hours; or discharge him on good security to appear before the Judge: if a liquor vender bailed by a Darogha should not appear, and the security should not be able to pay the penalty, the Darogha shall be responsible. *Beng.* 1794 *R.* 1. § 6.

14. Police officers are to afford all assistance on applications of salt officers, as required by Section 5, Regulation 30 of 1793. *Beng.* 1795 *R.* 40. § 10. A. D. 1795

15. A notification is to be affixed in the Police Cucheries at every session, that persons, sentenced by Courts of Circuit to an imprisonment of seven years and upwards, will be liable to transportation by order of the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 4. § 10. A. D. 1797

16. A publication, prohibiting the practice of Dhurna, is to be made by beat of drum in each Police jurisdiction; and the Police officers are to certify to the Magistrate the mode of publication. *Beng.* 1797 *R.* 5. § 2. *Ced. Prov.* 1804 *R.* 3. § 9. *C.* 1.

17. Police officers in Silhet may search boats, &c. on the frontier stations to discover contraband articles; and may seize such if found, and send them with the boats, &c. to the Magistrate. *Beng.* 1799 *R.* 1. § 4. A. D. 1798

18. They shall receive twenty five per cent of the proceeds, if any articles of contraband

A. D. 1799 traband trade, seized by them, be confiscated, but may be sued for damages by the proprietor if the articles be released by the Magistrate. *Beng.* 1799 *R.* 1. § 5.

19. Police officers, on information of resistance to attachments for rent, are to proceed to the spot, and to apprehend and send to Magistrates all persons guilty of breaking the peace, and to support the legal powers of the distrainers. *Beng.* 1799 *R.* 7. § 9. *Ben.* 1800 *R.* 5. § 9.

20. On representation of a tenant's property being concealed in a closed dwelling or a Zenana, they shall send a person to the spot; in whose presence the distrainer may break open the closed door, or enter the Zenana, after notice given and means provided for the removal of the women. *Beng.* 1799 *R.* 7. § 10. *Ben.* 1800 *R.* 5. § 10. *Ced. Prov.* 1803 *R.* 28. § 19. *C.* 2.

21. And they shall depute a person on all occasions of application by distrainers; and such person shall use every means to prevent resistance and breach of the peace, and shall give due attention to the whole proceedings so as to give evidence thereof if called upon. *Beng.* 1799 *R.* 7. § 11. *Ben.* 1800 *R.* 5. § 11.

A. D. 1800 22. Police officers may seize adulterated salt, and shall immediately report the case to the Judge. *Beng. Ben.* 1800 *R.* 4. § 3.

23. They will, in case of confiscation of salt seized by them as adulterated, be entitled to half of the fine levied on the offender, if the seizure were made by themselves alone. *Beng. Ben.* 1800 *R.* 4. § 8.

24. And to one quarter if made on another person's information. *Beng. Ben.* 1800 *R.* 4. § 9.

25. But if the seizure should have been improperly made, the proprietor may recover full damages by a suit in Court. *Beng. Ben.* 1800 *R.* 4. § 4.

26. Police officers are to apprehend unlicensed manufacturers and venders of liquors and drugs. *Beng. Ben.* 1800 *R.* 6. § 27. *Ced. Prov.* 1803 *R.* 40. § 39.

27. And shall report to the Magistrate every instance of deviation from the Regulations in the licensed venders. *Beng. Ben.* 1800 *R.* 6. § 28. *Ced. Prov.* 1803 *R.* 40. § 40.

A. D. 1801 28. Police officers are to comply with all applications, for assistance in seizing smuggled salt, by salt Agents, Superintendents of Salt Chokees, officers of the Salt Department, Commercial Agents, Collectors of Customs and of Revenue. *Beng.* 1801 *R.* 6. § 11. *C.* 2.

29. They are also to transmit to the Magistrate, and to the nearest salt officers, notice of all illegal importation, transportation or manufacture of salt, and of any salt

works

works established by individuals; but they shall not seize salt of their own authority, under pain of dismission and prosecution for damages, except salt transported without a Ruwana: and of such, when seized, they shall send immediate notice. *Beng* 1801 *R.* 6. § 11. *C.* 3.

30. And they shall receive a reward of twenty-five per cent on salt confiscated through their information; and, if the seizures shall have been made by two or more officers, the Board of Trade may distribute the reward according to their merits. *Beng.* 1801 *R.* 6. § 11. *C.* 4.

31. Such Police officers alone are empowered to seize salt without application from salt officers, as may be specially authorized by Government: to whom the Board of Trade is to state what Police officers the Board deems it advisable to have invested with this power. *Beng.* 1801 *R.* 12. § 2.

32. Regulation 3 of 1805 is to be read and proclaimed at the several Police stations. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 7.

33. And Regulation 8 of 1805. *Ced. Prov.* 1805 *R.* 8. § 31.

34. Translations of all Regulations are to be sent to the several Police officers for publication at their Cucheries. *Ced. Prov.* 1805 *R.* 8. § 3. *Beng. Ben.* 1806 *R.* 11. § 12. *C.* 2.

35. Magistrates are required to deprive of a military dress any person wearing it contrary to orders, except persons in the military service of the Company, who, if wearing it on unauthorized occasions, are to be sent by the Magistrate, with a written complaint, to the corps to which they belong: Police officers are to apprehend and send to the Magistrate all persons wearing a military dress contrary to orders. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 9. *C.* 6.

36. And all persons wearing badges contrary to orders; and the Magistrate shall report to the Governor General in Council, any European, not a public officer, employing badged Peons. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 9. *C.* 8.

37. The Police officers are to be directed by the Magistrate to afford every assistance in facilitating the march of troops, and to co-operate with the persons deputed by the Collector in procuring supplies, &c. adjusting any disputes regarding their price, and in preventing alarm to the inhabitants. *Beng. Ben. Ced. Prov.* 1806 *R* 11. § 6.

38. The Commanding Officer of any detachment or single corps on march shall communicate to the Magistrates the probable time of his arrival within their respective Zillas. *Beng Ben. Ced. Prov.* 1806 *R.* 11. § 2.

39. The Magistrate shall report to the Nizamut Adaulut, for the information of

A. D. 1806 the Governor General in Council, any well founded complaints of misbehaviour of troops on their march. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 7.

40. When a Magistrate requires a detachment of troops from a regular battalion for the maintenance of the peace or the apprehension of offenders, he shall state fully the nature of the service to the Commanding Officer, leaving him to judge of the requisite force. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 14. *C.* 1.

41. The Magistrate's application is to be complied with, under his responsibility; but he is enjoined to confine such requisitions to cases of absolute necessity; and shall give immediate information to the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 11 § 14. *C.* 2.

42. Military officers proceeding through the country without troops, either on the public service or on their private affairs, shall apply to the Police officers for any requisite aid of bearers, Coolies, provisions &c. which the Police officers shall furnish or cause to be furnished by the proper person: but Police officers are prohibited, under pain of dismission, from compelling any persons not accustomed to act as bearers, Coolies or boatmen, to serve on such occasions, and from furnishing bullocks or carts not kept for hire, or exclusively appropriated to agriculture. The persons so employed may return from the first Police station of the next Zilla, unless they should enter into a voluntary engagement to the contrary; the Police officers shall adjust the rate of hire for the bearers &c. and may require the whole or a part to be paid in advance: and if the traveller refuse to comply with the adjustment, he shall not be entitled to assistance. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 8.

43. Copies of the translations of this Regulation are to be sent to all Police officers with directions to publish it in their Cucheries. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 11.

44. Persons, infringing any of the rules regarding the preservation of canals, shall be apprehended by the Police officers, or the officers in charge of the collections of the canal, and may be punished by the Magistrates of the Twenty-four Pergunnas to the extent authorized for petty offences. *Beng.* 1806 *R.* 18. § 8.

45. If any boat sink in the canal, notice shall be given by the person in charge to the nearest Police officer; who shall proceed to the spot, and adopt measures under the instructions of the Magistrates for the removal of the wreck. *Beng.* 1806 *R.* 18. § 9.

46. The Police officers shall report to the Magistrate all encroachments or impediments to the navigation of such canals, which it shall be the duty of the Magistrates to prevent. *Beng.* 1806 *R.* 18. § 10.

POLICE OFFICERS.

1. Zilla Daroghas are to be appointed by the Magistrates, and are to give security themselves in 500 Rupees and two sureties in 250 Rupees each; and they are not to be removed except by order of Government, to whom the Magistrates shall report misconduct of Daroghas, suspending them and appointing a substitute pro tempore. *Beng.* 1793 *R.* 22. § 6. A. D.

2. And Kotwals of cities, giving security themselves in 2500 Rupees and two sureties in 1250 Rupees each. *Beng.* 1793 *R.* 22. § 28. *Ben.* (half that amount in Ghazipoor and Jaunpoor) 1795 *R.* 17. § 25.

3. Zilla Daroghas may be prosecuted criminally before the Court of Circuit, or sued for damages in the Civil Court, if guilty of oppression &c. *Beng.* 1793 *R.* 22. § 22. *Ben.* 1795 *R.* 17. § 26. *Ced. Prov.* 1803 *R.* 35. § 21.

4. And Daroghas of cities. *Beng.* 1793 *R.* 22. § 38. *Ben.* 1795 *R.* 17. § 35.

5. Any omission by a Police Darogha, in the reports of persons apprehended, shall be reported to Government, and the Darogha suspended, and Government will if deemed proper dismiss him. *Beng.* 1793 *R.* 22. § 21. *Ben.* (dismission or fine) 1795 *R.* 17. § 19. *Ced. Prov.* 1803 *R.* 35. § 20.

6. Daroghas, dispatching by the Dawk any private letters as public, shall be dismissed. *Beng.* 1793 *R.* 22. § 15.

7. If a liquor vender, bailed by a Darogha, should not appear, and the security should not be able to pay the penalty, the Darogha shall be responsible. *Beng.* 1794 *R.* 1. § 6. ext. *Ben.* 1795 *R.* 47. § 9. *Ced. Prov.* 1803 *R.* 40. § 33. A. D. 1799

8. The Police of Benares is under the joint charge of the Tehsildars, landholders and farmers. *Ben.* 1795 *R.* 17. § 2. *Ced. Prov.* 1803 *R.* 35. § 2. A. D. 1795

9. The Tehsildars are responsible in the first instance, and the landholders and farmers are responsible to the Tehsildars, for all thefts and robberies (except night robberies in roads and woods, unless it be proved that from previous information they might have prevented them) and for robberies upon travellers in inhabited places, if proved to be with their connivance or from their want of vigilance. *Ben.* 1795 *R.* 17. § 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 1.

10. If the Magistrate deem any Tehsildar unfit for the office, he shall report the grounds of his opinion to Government. *Ben.* 1795 *R.* 17. § 6. *Ced. Prov.* 1803 *R.* 35. § 6.

11. Suits against Tehsildars for losses by robbery, and by Tehsildars for indemnification, are to be brought in the Civil Court. *Ben.* 1797 *R.* 8. § 2. *Ced Prov.* 1804 *R.* 3. § 6. *C.* 1. A. D. 1797

A. D. 1797 12. Tehsildars of places held Kham are responsible like others. *Ben.* 1797 *R.* 8. § 3. *Ced. Prov.* 1804 *R.* 3. § 6. *C.* 2.

A. D. 1799 13. Police officers in Silhet shall receive twenty-five per cent of the proceeds, if articles of contraband trade, seized by them, be confiscated; but may be sued for damages by the proprietor if the articles be released by the Magistrate. *Beng.* 1799 *R.* 1. § 5.

A. D. 1800 14. Police officers will, in case of confiscation of salt seized by them as adulterated, be entitled to half of the fine levied on the offender if the seizure was made by themselves alone. *Beng. Ben.* 1800 *R.* 4. § 8.

15. And to one quarter if made on another person's information. *Beng. Ben.* 1800 *R.* 4. § 9.

16. But will be liable to damages on suit, if the seizure were made on insufficient grounds. *Beng. Ben.* 1800 *R.* 4. § 5.

17. Police officers are liable to immediate dismission for receiving any complaints, for offences punishable by the Magistrate on unstampt paper. *Beng. Ben.* 1800 *R.* 7. § 23. *Ced. Prov.* 1803 *R.* 43. § 23.

A. D. 1801 18. Police officers shall not seize salt of their own authority, under pain of dismission and prosecution for damages, except salt transported without a Ruwana; and of such, when seized, they shall send immediate notice. *Beng.* 1801 *R* 6 § 11 *C.* 3.

19. And they shall receive a reward of twenty-five per cent on salt confiscated through their information; and if the seizure shall have been made by two or more officers, the Board of Trade may distribute the reward according to their merits. *Beng.* 1801 *R.* 6. § 11. *C.* 4.

20. Such Police officers only are empowered to seize salt without application from the salt officers, as may be specially authorized by Government, to whom the Board of Trade shall state what Police officers the Board deems it advisable to have vested with this power. *Beng.* 1801 *R.* 12. § 2.

A. D. 1803 21. Magistrates in the Ceded Provinces are to appoint the Daroghas of establishments defrayed by Government; but they are not to be removed without proof of misconduct to the satisfaction of the Governor General in Council; the Magistrate may suspend them, reporting the grounds to Government, and appointing a person to act pro tempore: such Daroghas are to give security in 1000 Rupees. *Ced. Prov.* 1803 *R.* 35. § 24.

A. D. 1804 22. The Magistrates of the Conquered Provinces and Bundelkhund are to appoint Police officers where necessary, in like manner as the Magistrates of the Ceded Provinces are empowered to nominate them. *Ben. Ced. Prov.* 1804 *R.* 9. § 9.

23.

23. The appointment of the Police officers in Bundelkhund shall be subject to the sanction of the Commissioners. *Ben.* 1804 *R.* 9. § 10.

24. The Magistrates of Cuttack are to appoint the Police Daroghas with the sanction of the Commissioners. *Beng.* 1804 *R.* 4. § 6.

25. Sections 5 to 9, Regulation 5 of 1804, for the appointment of public officers, are applicable to Police Daroghas and Tehsildars in charge of Police; but the latter shall be nominated by the Collector through the Board for the approbation of Government, and shall not be suspended except by the Collector, Board of Revenue, or Governor General in Council. *Beng. Ben. Ced. Prov.* 1804 *R.* 6. § 10.

26. Zemindars in Cuttack, not formally divested by the Mahratta Government of the charge of Police, shall continue responsible; the principal Zemindars being constituted Daroghas, and the inferior Zemindars subordinate officers of Police, within their respective estates. *Beng.* 1805 *R.* 13. § 4. *C.* 2.

27. Where the Zemindars have been divested, one or more Sirdar Payiks shall be appointed under the control of the Daroghas. *Beng.* 1805 *R.* 13. § 4. *C.* 3.

28. Daroghas are to have such salaries as the Governor General in Council may direct. *Beng.* 1805 *R.* 13. § 4. *C.* 4.

29. Zemindars, entrusted with the Police in the Jungul Mehals, shall receive Sunnuds from the Magistrate under the authority of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 1.

30. And shall not be deprived except for misconduct proved to the satisfaction of the Governor General in Council; for whose final determination the Magistrate shall report to the Nizamut Adaulut when of opinion that there are grounds for depriving a Zemindar. *Beng.* 1805 *R.* 18. § 7. *C.* 2.

31. The Zemindars shall be furnished with copies of all Regulations for the conduct of Police Daroghas, and are required to observe the rules contained in them. *Beng.* 1805 *R.* 18. § 7. *C.* 7.

32. Any Zemindar in charge of Police, convicted of connivance at depredations, or of wilful neglect in the prevention of them, will be liable to fine and imprisonment; and, in heinous cases, to forfeiture of his lands. *Beng.* 1805 *R.* 18. § 7. *C.* 15.

33. The Magistrate, when of opinion that such a charge is proved, shall record his judgment and the punishment deemed adequate; transmitting his proceedings to the Nizamut Adaulut for the sentence of that Court; and, in cases of forfeiture, for the ultimate determination of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 16.

34. On receiving their Sunnuds, they shall enter into engagements to be responsible

A. D. 1805 for all property robbed or stolen within their estates, unless on clear proof that the robbery or theft was not owing to want of care in them or their officers; and may be sued in the Civil Court for the recovery. *Beng.* 1805 *R.* 18. § 7. *C.* 18.

PREFERENCE OF TRIAL.

A. D. 1793 1. All causes are to be tried in the order of their being filed, unless otherwise directed by a Regulation, or the Court should think proper for special reasons, which are to be stated at large on the record, to bring on any particular cause before its time. *Beng.* 1793 *R.* 4. § 19. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 20.

2. Suits, concerning the exaction of abolished Sayer duties, are to be heard and determined within ten days from their being filed, or as soon after as practicable. *Beng.* 1793 *R.* 27. § 11. *Ced. Prov.* 1804 *R.* 11. § 53. 1805 *R.* 6. § 36.

3. Respecting matters of distress for rent, are to be tried before all other suits. *Beng.* 1793 *R.* 17. § 34. *Ben.* 1795 *R.* 45. § 32. *Ced. Prov.* 1803 *R.* 28. § 31.

4. Brought by persons engaged in the salt manufacture, are to be heard in preference to other suits. *Beng.* 1793 *R.* 29. § 22. *C.* 10.

Re-enacted 99 R. 6 § 13 5. Or by the opium Contractor and his Agents against the Rayats and vice versâ. *Beng.* 1793 *R.* 32. § 2. *C.* 12.

A. D. 1794 6. Courts are to appropriate one day or more for the trial of suits relating to the public revenue and to rent, leases &c.: on which days such causes shall be tried without regard to causes of other descriptions though filed previously. *Beng.* 1794 *R.* 3. § 22. ext. *Ben.* 1800 *R.* 5. § 13.

7. Informations for the illegal vend of spirituous liquors are to be tried summarily without delay. *Beng.* 1794 *R.* 1. § 7. *Ben.* 1795 *R.* 47. § 10. *Ced. Prov.* 1803 *R.* 40. § 34.

A. D. 1795 8. Suits, in Benares, for illegal exactions of Rahdaree duties are to be heard in preference to all others. *Ben.* 1795 *R.* 4. § 9.

A. D. 1799 9. Suits, respecting rent or revenue, are to be heard and determined before any others which may be pending. *Beng.* 1799 *R.* 7. § 13. *Ben.* 1800 *R.* 5. § 13. *Ced. Prov.* 1803 *R.* 28. § 31.

10. Concerning exactions by landholders, from the opium Rayats, above the established rents, shall be heard forthwith. *Beng. Ben.* 1799 *R.* 6. § 12.

11. Respecting opium, instituted by the Agent against the Rayats, or vice versâ, shall be tried in preference to any other suits pending. *Beng. Ben.* 1799 *R.* 6. § 13.

12. For the recovery of penalties in salt contraventions, are to be tried in preference to all suits of individuals. *Beng.* 1801 *R.* [illegible]. § 32. A. D. [illegible]

13. When the property of a defendant is attached for want of security, the cause shall be tried as soon as possible, without reference to the order of its institution. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 6. A. D. [illegible]

PROCESS.

I. *IN THE ORDINARY JURISDICTION OF THE COURTS.*

1. The summons on a defendant is to contain a short account of the demand, and to require him either to accompany the officer serving it, or to give him good security for appearing on the day fixed, in person or by Vakeel: the summons is to be served on the defendant, if found, by the Nazir or his inferior officer; and, if he give not the required security, the officer is to bring him in custody before the Court: the Nazir is to return the summons on the day appointed, with an endorsement of the manner in which he has executed it. *Beng.* 1793 *R.* 4. § 5. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 5. A. D. 1795 Modified 1806 R. 2. § [illegible]

2. Processes of the Civil Court of a Zilla or City are to be in the Persian and Bengal languages for Bengal and Orissa, and in the Persian and Hindoostanee languages for Behar. *Beng.* 1793 *R.* 4. § 20. *Ben.* (as in Behar) 1795 *R.* 8. § 9. *Ced. Prov.* (Persian and Hindoostanee) 1803 *R.* 3. § 21.

3. Of the Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 15. *Ben.* 1795 *R.* 9. § 12. *Ced. Prov.* 1803 *R.* 4. § 15.

4. Of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 13. *Ben.* 1795 *R.* 10. § 4. *Ced. Prov.* 1803 *R.* 5. § 13.

5. The processes of a Zilla or City Court are to be signed by the Judge, and served by not more than two Peons, at a daily expense of four Annas to each, except where a lower rate is usual: the party taking out the process is to pay the Peons. *Beng.* 1793 *R.* 4. § 20. ext. *Ben.* (two Annas) 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 21.

6. They are to be served immediately within the Court's jurisdiction without application to, or interference of, any person whatever. *Beng.* 1793 *R.* 4. § 13. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 15.

7. The summons to a witness is to specify at whose request it is issued, and to require his appearance in Court on a day named in the summons. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3 § 7.

8. If the personal attendance of a party or witness (except females of rank) residing beyond the jurisdiction of a Court shall be deemed indispensably necessary, they shall

be

A. D. 1791 be sent by the Judge in whose jurisdiction they reside, on written application from the Judge requiring them. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

9. Processes of Provincial Appeal Courts are to be signed by the Register, and directed to the Judge in whose jurisdiction the cause originated, the land is situated, or the party resides, with a period limited for service. *Beng.* 1793 *R.* 5. § 15. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 15.

10. The Judge shall execute the process, and within the limited period certify execution, or cause of non execution, on the process, or on a paper annexed to it. *Beng.* 1793 *R.* 5. § 16. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 16.

11. Zilla or City Judges, disobeying or making false return to processes of Provincial Courts, shall be reported to the Sudder Dewannee Adaulut, who may suspend them from office notifying the case in ten days to the Governor General in Council. *Beng.* 1793 *R.* 5. § 15. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 15.

12. Processes of the Sudder Dewannee Adaulut are to be signed by the Register and directed to the Provincial Court of Appeal, or directly to the Zilla or City Court, under the above penalties. 1793 *R.* 6. § 13. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 13.

13. And are to be executed and returned in the above mode. *Beng.* 1793 *R.* 6. § 14. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 14.

14. The warrant of a Magistrate, for the apprehension of a person charged with a criminal offence, shall be under his seal and signature, and shall specify the crime or misdemeanor charged. *Beng.* 1793 *R.* 9. § 5. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 5.

15. A Magistrate or Police Darogha shall not issue a warrant, against a person residing in another jurisdiction, for a crime not committed within his jurisdiction. *Beng.* 1793 *R.* 22. § 16. *Ben.* 1795 *R.* 17. § 15. *Ced. Prov.* 1803 *R.* 35 § 16.

A. D. 1794 16. Processes in suits referred to the Registers of Courts, are to be signed by the Registers, and served like other processes of the Courts. *Beng.* 1794 *R.* 8. § 8. ext. *Ben.* 1795 *R.* 54. § 2. *Ced. Prov.* 1803 *R.* 12. § 20. *C.* 1.

A. D. 1795 17. Peons serving the processes of the Benares Courts are to have two Annas per diem. *Ben.* 1795 *R.* 8. § 4. *C.* 3.

A. D. 1801 18. Processes of the Sudder Dewannee Adaulut are to be signed by the Register. 1801 *R.* 2. § 6.

19. The Nizamut Adaulut may suspend Judges of Circuit and Magistrates for disobedience, neglect or false return to any process of the Nizamut Adaulut; and Magistrates for disobedience, neglect or false return to processes of Circuit Courts, who are required to report such instances to the Nizamut Adaulut. *Beng. Ben.* 1801 *R.* 2. § 14. *Ced. Prov.* 1803 *R.* 8. § 24. A. D.

20. Processes of the extra Court of Appeal at Dacca are to be served in the same manner with other processes. *Beng.* 1802 *R.* 4. § 3. A. D. 1802

21. Every summons to a witness in a criminal case shall be served by an officer of the Magistrate or Police officer, and not delivered to the party for service on his own witnesses. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 1. A. D. 1803

22 Processes in suits referred to an Assistant Judge, shall be signed by the Assistant Judge, and sealed with the seal of the Court, and served like all other processes of the Court. *Beng. Ben* 1803 *R.* 49. § 2. *C.* 5. *Ced. Prov.* 1805 *R.* 8. § 12 *C.* 5.

23. Process of Appeal Courts, in causes appealed from, decided by, or depending before, an Assistant Judge, shall be transmitted to the Judge, who will either comply with it himself or forward it to the Assistant Judge; and all returns of the Assistant Judge, and communications to Provincial Courts of Appeal or to any other authority, are to be made through the Judge. *Beng. Ben.* 1803 *R.* 49 § 2. *C.* 7. *Ced. Prov.* 1803 *R.* 8. § 12. *C.* 7.

24. Instead of a summons, a notice only is to be issued on the defendant, containing a short statement of the demand, and requiring him to appear in person or by Vakeel, and deliver an answer on a specified day. *Beng. Ben. Ced. Prov* 1806 *R.* 2. § 2. *C.* 1. A. D. 1806

25. Such notice is to be served on any accredited Agent of the defendant, at the station of the Court, empowered and willing to receive such notice, and to give an acknowledgment for it. *Beng. Ben Ced. Prov* 1806 *R.* 2. § 2. *C.* 2.

26. Otherwise it shall be served through the Nazir by one Peon, on the party if within the Court's jurisdiction, or on his Agent if the party be absent, or on the person in charge of the property to which the suit relates; or shall be transmitted for service, as above, to the Judge of any other Zilla in which the party resides: and the person, on whom it may be served, shall be merely required to endorse his acknowledgment on it. *Beng Ben. Ced. Prov.* 1803 *R.* 2. § 2. *C.* 3.

27. Such notice to persons employed in the Commercial and Salt Departments shall be served in the mode prescribed by the Regulations. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 2. *C.* 4.

28. If the defendant shall avoid service of the notice, publication shall be made for his appearance, and should he not then appear, or if a defendant served with the notice

A. D. 1806 shall not appear or give answer, the plaintiff may proceed against him ex parte. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 3.

29. No security shall be required from a defendant unless deemed necessary by the Court; but, on proof of the defendant intending to abscond, the Court may issue originally, or at any subsequent time, the usual process requiring security for his appearance. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 4.

30. And on proof of the defendant intending to dispose of or remove his property, may call for Malzamince security in a sum deemed sufficient, and on failure thereof may attach property to the amount of the suit. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 5 *C.* 1.

31. Such attachment shall be made by publication on the spot; and all subsequent private alienations of the property shall be void; and any removal of the property shall be punished as resistance to process: but the defendant shall not be removed, without special cause to be recorded, from the possession and management of the property, except considerable landed property, which shall be attached through the Collector. *Beng. Ben. Ced. Prov.* 1806 *R* 2. § 5. *C.* 2.

32. The attachment shall be withdrawn on subsequent delivery of sufficient Malzaminee, previous to the decision of the suit. *Beng Ben. Ced. Prov.* 1806 *R.* 2. § 6.

33. A deposite of money or of Government securities shall be accepted if tendered in lieu of security. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 8.

34. If judgment be given for the plaintiff, the attached property shall be answerable for the execution of it, saving arrears of rent and other bonâ fide claims on it; and if judgment be for the defendant, the expense of the attachment shall be added to the costs payable by the plaintiff. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 5. *C.* 3.

35. When property is attached for want of security, the cause shall be tried as soon as possible without regard to the order of its institution. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 6.

36. The provisions, regarding attachments by a Zilla and City Court, are applicable to the Provincial Courts of Appeal and Sudder Dewannee Adaulut in attachments continued during an appeal, or ordered by the Provincial Courts of Appeal or Sudder Dewannee Adaulut in default of required security. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 7.

II. *IN SPECIAL CASES.*

A. D. 1793 1. If the defendant be a female of a rank or quality which would make it improper to compel her appearance in Court, no compulsory process shall be served upon her, but

but the summons shall be served on her Diwan or principal servant; and, if he avoid service of the process, a similar publication shall be made for him as for of her absconding defendants. *Beng.* 1793 *R.* 4. § 13. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 15.

2. Processes on a Collector of Revenue are to be sent in a sealed cover directed to his address and shall be returned by him with an endorsed acknowledgment. *Beng.* 1793 *R.* 14. § 38. *Ben.* 1795 *R.* 6 § 44. *Ced Prov.* 1803 *R.* 27. § 41.

3. Or a Salt Agent or his Assistant. *Beng.* 1793 *R.* 29 § 23.

4. Or a Commercial Agent. *Beng.* 1793 *R.* 31. § 9. *Ced. Prov.* 1803 *R.* 37. § 19. ext. *Ben.* 1805 *R.* 4. § 2.

5. Or a civil servant of the Company attached to a Court. *Beng.* 1793 *R.* 13. § 9. *C.* 10. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 10.

6. And processes on persons employed in the Commercial Department shall be enclosed in a sealed cover to the Agent with a copy of the complaint. *Beng.* 1793 *R.* 31. § 10. *C.* 1. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 1. ext. *Ben.* 1805 *R.* 4. § 2.

7. The same for persons employed in the Salt Department from Katic to Asarh. *Beng.* 1793 *R.* 29. § 20. *C.* 1.

8. Or to one of the persons authorized by him to execute securities, a list of whom is to be sent to the Courts. *Beng.* 1793 *R.* 31. § 10. *Ced. Prov.* 1803 *R.* 37 § 10. *C.* 2. ext. *Ben.* 1805 *R.* 4. § 2.

9. The same for persons in the Salt Department from Katic to Asarh. *Beng.* 1793 *R.* 29. § 20. *C.* 2.

10. If the officer serving a process should learn, that the defendant belongs to the Commercial Department, he shall deliver the summons to the Agent or nearest person authorized to give security; but if he doubt the information, he may carry the defendant also, to the Agent and not release him till security be given. *Beng.* 1793 *R.* 31. § 10. *C.* 3. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 3. ext. *Ben.* 1805 *R.* 4. § 3.

11. The same in the Salt Department from Katic to Asarh. *Beng.* 1793 *R.* 29. § 20. *C.* 3.

12. Processes of Magistrates on persons in the Commercial Department, in bailable offences, are to be served similarly. *Beng.* 1793 *R.* 31. § 10. *C.* 4. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 4. ext. *Ben.* 1805 *R.* 4. § 2.

13. And the same in the Salt Department from Katic to Asarh. *Beng.* 1793 *R.* 29. § 20. *C.* 4.

A. D. 1793

14. But in an offence not bailable, the process shall be served as on other persons. *Beng.* 1793 *R.* 31. § 10. *C.* 6. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 6.

15. And in the Salt Department from Katic to Asarh. *Beng.* 1793 *R.* 29. § 20. *C.* 6.

16. Police Daroghas are to observe the same rules in serving process against persons in the Commercial Department. *Beng.* 1793 *R.* 31. § 10. *C.* 7. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 7. ext. *Ben.* 1805 *R.* 4. § 2.

17. And in the Salt Department. *Beng.* 1793 *R.* 29 § 20. *C.* 7.

18 The summons on a witness belonging to the Commercial Department is to be served in the manner prescribed for such persons when defendants. *Beng.* 1793 *R.* 31. § 10. *C.* 9. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 9. ext. *Ben.* 1805 *R.* 4. *C.* 2.

19. And in the Salt Department from Katic to Asarh. *Beng.* 1793 *R.* 29. § 20. *C.* 9.

20. The Agent, or other person through whom a summons shall be thus served, shall return, on the back of it, the mode of service. *Beng.* 1793 *R.* 31. § 10 *C.* 5. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 5. ext. *Ben.* 1805 *R.* 4. § 2.

21. And in the Salt Department. *Beng.* 1793 *R.* 29. § 20. *C.* 5.

22. Processes on persons employed in the Salt Department shall be served, from Sawun to Asin, as on other defendants. *Beng.* 1793 *R.* 29. § 20 *C.* 1.

23. And Courts may dispense with these rules, recording the reason of deviation, and specifying the special order on the process, and refraining from any unnecessary exercise of this power. *Beng.* 1793 *R.* 31. § 10. *C.* 10. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 10. ext. *Ben* 1805 *R.* 4 § 2.

24. And the same in the Salt Department. *Beng.* 1793 *R.* 29. § 20 *C.* 10.

25. Female witnesses of a rank and quality which would make it improper to compel their appearance in a Court, shall not be summoned; but they shall be examined by a deputation of three women: and witnesses, residing fifty Cofs out of the jurisdiction of the Court, by a commission to the Judge of the Zilla wherein they reside. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2 *Ced. Prov.* 1803 *R.* 3 § 7.

26. The same in Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 19. ext. *Ben.* 1795 *R.* 9 § 6. *Ced. Prov.* 1803 *R.* 4. § 19.

27. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 17. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 17.

28.

28. Process shall not issue against a Commissioner of Revenue on a charge of corruption &c. unless the Judge be satisfied by sufficient evidence that it is well founded. *Beng.* 1793 *R.* 40. § 8. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 6. A. D.

29. Processes of Civil Courts against the Collectors of Customs are to be sent by the Register in a sealed cover to their address, and returned with an endorsed acknowledgment. *Beng. Ben.* 1795 *R.* 39. § 25. *Ced. Prov.* 1804 *R.* 11. § 44. A. D. 1798

30. Process of the Benares Courts on the Raja, the Baboos his relations, and the Nouputee merchants, is to be a simple notice of the complaint, fixing a day for their answering it; but, if they omit to answer, they may be proceeded against as other defendants. *Ben.* 1795 *R.* 8. § 10.

31. Processes on the officers of Salt Chokees, when defendants, are to be enclosed in a sealed cover to the Board of Trade, Salt Agent, or Ameen, who will send the party to the Court. *Beng.* 1798 *R.* 4. § 3. A. D. 1798

32. Process of a Magistrate in bailable offences shall be served in the same mode; and the officer, to whom the process is sent, shall cause the party to give bail or appear, according as may have been required. *Beng.* 1798 *R.* 4. § 4.

33. Processes of Police officers are to be thus served in all complaints preferred to them. *Beng.* 1798 *R.* 4. § 6.

34. Also summons to appear as witnesses. *Beng.* 1798 *R.* 4. § 7.

35. Judges and Magistrates may however summon Chokee officers by the usual method when they shall deem it indispensably necessary, recording their reasons for it, and specifying the special order on the summons: but they are to refrain from any unnecessary exercise of this power. *Beng.* 1798 *R.* 4 § 8.

36. In offences not bailable, if the Magistrate see sufficient grounds for apprehending a Chokee officer, the warrant shall be executed as upon other persons; but the officer of the Court, after securing the offender, shall, before he remove his person, give notice to the Board of Trade, Salt Agent or Ameen. *Beng.* 1798 *R.* 4. § 5.

37. Processes on an Opium Agent are to be sent to him in a sealed cover from the Court, and he shall acknowledge the receipt of it by an endorsement, and return it in a sealed cover to the Judge. *Beng. Ben.* 1799 *R.* 6. § 30. A. D. 1799

III. *IN CAUSES REFERRED TO NATIVE COMMISSIONERS AND ARBITRATORS.*

1. Native Commissioners, acting as Munsifs, may issue process against defendants to appear and give security. *Beng.* 1793 *R.* 40. § 11. *C.* 2. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 9. *C.* 2. A. D. 1793 Modified 1803 R. 49 § 17 C. 1 1806 R. 1 § 2

A. D. 1793 Modified by R. 49 § 18

2. And may require the attendance of witnesses. *Beng.* 1793 *R.* 40 § 9. *C.* 10. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 10.

3. Except females of rank. *Beng.* 1793 *R.* 40. § 11. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 9. *C.* 5.

Modified by R. 49 § 18 C. 2

4. But referees must apply to the Court for procuring the attendance of witnesses: *Beng.* 1793 *R.* 40. § 9. *C.* 10 ext. *Ben.* 1795 *R.* 31. § 2.

Also § 17 C. 2

5. And the Court is to take security from the defendants to appear before the referee. *Beng.* 1793 *R.* 40 § 9. *C.* 6. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 6.

6. If any Commissioner issue any process for enforcing his own decree, he shall be adjudged to pay twice the amount of the decree to the person against whom he issued the process. *Beng.* 1793 *R.* 40. § 14. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 12.

7. Courts are to issue the same process on parties and witnesses, in suits referred to arbitration, as in other suits, subject to the same penalties for disobedience to them. *Beng.* 1793 *R.* 16. § 6. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 6.

A. D. 1803

8. Process in suits referred to a Head Commissioner shall be issued under the seal of the Court and the signature of the Judge, Register, or Assistant. *Beng. Ben.* 1803 *R.* 49. § 19.

9. Judges may authorize their Registers to sign processes in suits referred to the native Commissioners, and their Registers and Assistants to sign and issue any process of Court to which the signature of the Judge is not specially required. *Beng.* 1803 *R.* 49. § 20. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 4. & 1805 *R.* 8. § 17. *C.* 2.

10. The powers of Munsifs, under Clause 2, Section 11, Regulation 40 of 1793, to enforce obedience to their processes on defendants, is restricted to suits exceeding ten Rupees, except on proof that the defendant is about to abscond. *Beng. Ben.* 1803 *R.* 49. § 17. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 9 *C.* 3.

11. And with this limitation is extended to referees and arbitrators when the Court shall leave it to them to take security. *Beng. Ben.* 1803 *R.* 49. § 17. *C.* 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 6.

12. The same power of Munsifs on non attendance of a witness, under Clause 10, Section 9 of the same Regulation, is not to include female witnesses, being women of rank and cast, who shall be examined as in Zilla Courts. *Beng. Ben.* 1803 *R.* 49 § 18. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 9. *C.* 5.

13. And with this limitation is extended to referees and arbitrators. *Beng. Ben.* 1803 *R.* 49 § 18. *C.* 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 10.

14. But if a witness, residing out of the Commissioner's jurisdiction, shall not attend on notice, application for enforcing his attendance must be made to the Court. *Beng. Ben.* 1803 *R.* 49. § 18. *C.* 3. *Ced. Prov.* 1803 *R.* 16. § 9. *C.* 4.

15. Native Commissioners are to issue merely a notice to defendants in the mode prescribed by Section 2 of this Regulation, and not require security except on proof that the defendant is about to abscond; and the Judge or Register, when they issue process in suits referred to a Commissioner, shall issue such as are prescribed by this Regulation. *Beng. Ben. Ced. Prov.* 1806 *R.* 2. § 9.

IV. *IN REVENUE &c.*

1. Perwanas of the Board of Revenue are to be sent to the proper executive officers to be enforced. 1793 *R.* 2. § 34.

2. Persons, whose attendance is required by the Board, are to be served by the Collector with a written notice under his official seal and signature, specifying the business on which their attendance is required, and fixing a day for their attendance under pain of a daily fine. 1793 *R.* 2. § 33.

3. The process of Collectors demanding an arrear of revenue is to be sealed and signed by the Collector, and attested by the Dewan; the names of the Peons, the rate of their subsistence, and the number of days allowed, are to be endorsed; and it is to specify the amount of the arrear, the date of its becoming due, and a specified day for the payment. *Beng.* 1793 *R.* 14. § 3.

4. Process of arrest is to be similarly signed, sealed and endorsed, and shall specify the amount of the arrear, the date of its becoming payable, and a requisition to the defaulter to surrender himself. *Beng.* 1793 *R.* 14. § 5.

5. If the Peon in charge of the demand should not meet with, or gain admittance to, the defaulter or his head officer, or should a receipt be refused, he shall on the evening of the second day affix the demand on the outer gate of the Cuchery or of his usual place of residence. *Beng.* 1793 *R.* 14. § 3.

6. Peons in charge of a process of arrest are to convey the defaulter direct to the jail of the Zilla; or, if he reside in another Zilla, are to proceed to the Collector of that Zilla, who will send with them a Peon to point out the defaulter, and they are to convey the defaulter to the jail of that Zilla. *Beng.* 1793 *R.* 14. § 5.

7. Processes of Collectors, for a demand of revenue, are to be served by one Peon at two Annas per diem, or less where customary. *Beng.* 1793 *R.* 14. § 3.

8.

A. D. 1793 8. And for arresting a defaulter, by two Peons. *Beng.* 1793 *R.* 14. § 5.

9. When the Collector requires the attendance of a Putwaree, he shall serve on him a written notice under his official seal and signature, particularizing the accounts required: and Putwarees, neglecting to attend, may be committed by the Court, on the motion of the Collector, till the required accounts be produced. *Beng.* 1793 *R.* 8. § 62. *C.* 5. *Ben.* 1795 *R.* 27. § 9. *C.* 5. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 4.

10. The Regulating Officer of the invalid T'hanas is not to issue any process out of the limits of the T'hanas. *Beng.* 1793 *R.* 43. § 18.

A. D. 1794 11. Processes of Collectors, against an unlicensed liquor vender, shall be served by one Peon, or two Peons, at two Annas per diem for the number of days endorsed by the Collector on the process. *Beng.* 1794 *R.* 1. § 4. ext *Ben.* 1795 *R.* 47. § 9. *Ced. Prov.* 1803 *R.* 40. § 31.

A. D. 1795 12. Processes of Tehsildars in Benares, for preventing removal of the crops, are to have the name of the watchman and his rate of allowance endorsed by the Serishtadars; and a list of them is to be submitted monthly to the Collector by the Serishtadars. *Ben.* 1795 *R.* 6. § 2. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 12.

13. And processes of Tehsildars, for demanding a revenue instalment, are to be attested by the Serishtadars, and a list of them similarly submitted. *Beng. Ben.* 1795 *R.* 6. § 5. *Ced. Prov.* 1803 *R.* 27. § 5.

14. The Peons serving them are to be monthly servants supplied with badges by the Collector, and they shall not perform any official acts without their badges. *Ben.* 1795 *R.* 6. § 4. *Ced. Prov.* 1803 *R.* 27. § 4.

15. The Peons and horsemen in Benares, &c serving processes of the Collector, are to be monthly servants, who are to give security; but in cases of absolute necessity Muzkoorce Peons may be employed: exactions are to be refunded double, on proof before the Collector or Court. *Ben.* 1795 *R.* 6. § 7. *Ced. Prov.* 1803 *R.* 27. § 7.

16. Processes of the Collector are to be sealed and signed by the Collector and attested by the Dewan, and served by Peons at two Annas per diem for three days, and one Anna daily augmentation till the arrear be paid, or by Suwars at four Annas per diem with two Annas daily augmentation. *Ben.* 1795 *R.* 6. § 7. *Ced. Prov.* 1803 *R.* 27. § 7.

17. Processes of Tehsildars, at one Anna per diem for three days, with half Anna daily augmentation. *Ben.* 1795 *R.* 6. § 3. *Ced. Prov.* 1803 *R.* 27. § 3.

A. D. 1799 18. A Tehsildar may issue, under his seal and signature, a process of arrest on a farmer or his surety, similar to the process of Collectors, if he have reason to apprehend their absconding. *Beng.* 1799 *R.* 7. § 23. *C.* 2.

V. ENFORCEMENT OF PROCESS.

1. If a witness when summoned shall not attend, the Court, on its being proved upon oath, that the witness was material to the cause, shall issue an order to the Nazir to seize and bring him before the Court, and may fine him as far as 500 Rupees, and commit him till he consent to give evidence. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

2. The same in Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 20. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 20.

3. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 18. ext. *Ben.* 1795 *R.* 10 § 2. *Ced. Prov.* 1803 *R.* 5. § 18.

4. If a defendant shall avoid process, the Court, on return by the Nazir, shall cause to be affixed in the Court, and on the door of the defendant's dwelling, or in the village where he last resided, a notification that the cause will be tried ex parte if he do not appear on a day specified (not less distant than 15): and the Nazir is to return the times and places of making the notification. *Beng.* 1793 *R.* 4. § 11. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3 § 13.

5. If the Dewan of a female defendant avoid service of a process, which was to be served on him instead of his principal, the Court shall make a similar notice. *Beng.* 1793 *R.* 4 § 13. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 15.

6. Similar notification is to be made for parties who avoid the process of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 16. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 16.

7. Or of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 14. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 14.

8. Resistance to process of Zilla Courts by landholders is to be punished by forfeiture of the estate in which the resistance was made, commutable for a fine by order of the Governor General in Council. *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23. Modified 1799 R. 9 § 3

9. Also to process of Appeal Courts. *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23. *C.* 1.

10. And of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. ext. *Ben.* 1795 *R.* 10 § 2. *Ced. Prov.* 1803 *R.* 5. § 24.

11. Resistance by farmers to process of Zilla Courts is to be punished by forfeiture of the farm, similarly commutable. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 1. Modified 1799 R. 9 § 3

A. D. 1793 12. Of Appeal Courts. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

13. Of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

14. Resistance by any other person to process of Zilla Courts is to be punished by fine. *Beng.* 1793 *R.* 4. § 25. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 26.

15. Of Appeal Courts. *Beng.* 1793 *R.* 5. § 26. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 26.

16. Of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 27. ext. *Ben.* 1795 *R.* 10 § 2. *Ced. Prov.* 1803 *R.* 5. § 27.

Re-enacted 804 R. 1 § 15 17. Processes of Civil and Criminal Courts are not to be resisted in the invalid T'hanas, under pain of such fine or punishment as the Courts may impose or inflict. *Beng.* 1793 *R.* 43. § 25.

18. Resistance to a Collector's process is to be punished in landholders by forfeiture of the estate from which the arrear is due, commutable for a fine by order of the Governor General in Council. *Beng.* 1793 *R.* 14. § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 27. § 23.

19. In farmers, by forfeiture of the farm, similarly commutable. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

20. In sureties, by fine. *Beng.* 1793 *R.* 14. § 21. *Ben.* 1795 *R.* 6. § 28. *Ced. Prov.* 1803 *R.* 27. § 28.

21. Native Commissioners, acting as Munsifs, may enforce the process against defendants to appear and give security, by attachment of any personal property not exceeding the amount of the suit. *Beng.* 1793 *R.* 40. § 11. *C.* 2. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 9. *C.* 2.

22. And similarly require attendance of witnesses. *Beng.* 1793 *R.* 40. § 9. *C.* 10. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 10.

A. D. 1795 23. Resistance to a Tehsildar's process may be punished by the Collector with ten days confinement: but the Peon shall be dismissed if the resistance arose from his misconduct in serving the process; and the Tehsildar, if it arose from any irregularity in issuing it. *Ben.* 1795 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

24. Resistance to process of the City Court in Benares by Zemindars, in the jurisdiction of the City Adaulut, is to be punished like resistance to other Courts. *Ben.* 1795 *R.* 8. § 8.

25. Nor resistance to process of the Sudder Court of Appeal. *Ben.* 1795 *R.* 5. § 7.

26. And of the Sudder Dewannee Adaulut. *Ben.* 1795 *R.* 10. § 5.

27 Persons, resisting process of Magistrates or Police officers, are on conviction liable to the following penalties. *Beng. Ben.* 1796 *R.* 11. § 2. *C* 1. *Ced. Prov.* 1804 *R.* 3 § 2. *C* 1. A. D. 1796

28. Landholders, to forfeiture of land. *Beng. Ben* 1796 *R.* 11. § 2. *C.* 2. *Ced Prov.* 1804 *R.* 3 § 2. *C.* 2.

29 Farmers, to forfeiture of lease. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 3. *Ced. Prov.* 1804 *R.* 3. § 2. *C* 3.

30 Other persons, to fine. *Beng Ben.* 1796 *R.* 11. § 2. *C.* 4. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 4.

31 Forfeitures are commutable to fines by Government or the Nizamut Adaulut. *Beng Ben* 1796 *R.* 11 § 3. *Ced Prov* 1804 *R* 3 § 3

32 Fines are commutable to imprisonment or corporal punishment by the Magistrate with the concurrence of the Nizamut Adaulut. *Beng Ben* 1796 *R* 11. § 2. *C* 4 *Ced Prov* 1804 *R* 3 § 2 *C.* 4

33 The Nazir, or officer deputed by him to serve the summons on any witness required to attend before the Court of Circuit, is to be examined respecting the measures taken for causing the attendance of any absent witness. *Beng Ben* 1796 *R.* 9. § 4 *Ced Prov.* 1803 *R.* 6. § 14.

34. Persons, charged with a criminal offence, absconding or concealing themselves from the process of Magistrates or Police officers, shall be required, by written proclamation published by beat of drum and affixed at the party's usual residence, to surrender in a fixed period not less than a month, if the party do not appear, his land shall be attached. *Beng. Ben.* 1796 *R.* 11. § 4. *C.* 1. *Ced Prov.* 1804 *R* 3. § 4 *C* 1.

35. If he subsequently appear, the attachment shall be removed. *Beng. Ben.* 1796 *R.* 11 § 5 *Ced. Prov.* 1804 *R.* 3 § 4 *C.* 1.

36 But if he do not appear in six months, a report shall be made to the Governor General in Council, who will give orders regarding the disposal of the property. *Beng. Ben.* 1796 *R.* 11. § 6. *Ced Prov* 1804 *R.* 3 § 4. *C.* 5.

37 Resistance to process of City Courts is to be punished by Section 22 &c Regulation 4 of 1793, like resistance to process of Zilla Courts: if the offender possess A. D. 1793

no

A. D. 1799 no landed property in the Court's jurisdiction, a fine may be substituted for forfeiture. *Beng. Ben.* 1799 *R* 9 § 2.

38 And in all cases of resistance to City and Zilla Courts, the Judge may award a fine instead of forfeiture, if he deem it sufficient. *Beng. Ben.* 1799 *R.* 9. § 3. *Ced Prov.* 1803 *R.* 3. § 25. *C.* 2.

A. D. 1801 39 Persons, resisting process of Magistrates or Police officers, may be punished under Section 8, Regulation 9 of 1793, if the Magistrate judge it sufficient. *Beng. Ben* 1801 *R* 9 § 5 *Ced Prov* 1804 *R.* 3 § 2 *C.* 5.

40 And persons, charged with resistance, may be bailed if there be no aggravating circumstances in the case *Beng Ben* 1801 *R.* 9 § 4. *Ced. Prov.* 1804 *R* 3. § 5.

A. D 1803 41 Resistance to the process of an Assistant Judge shall be punished as resistance to process of the Judge. *Beng. Ben* 1803 *R* 49 § 2. *C.* 5 *Ced Prov.* 1805 *R.* 8. § 12. *C* 5.

A. D. 1804 42 Process of Civil and Criminal Courts shall not be resisted in invalid T'hanas, under penalty of such fine, or other punishment, as Courts are authorized to impose or inflict. *Beng* 1804 *R* 1. § 15

A. D. 1806 43. Any removal of property attached for want of security shall be punished as resistance to process *Beng Ben. Ced Prov* 1806 *R* 2. § 5 *C.* 2.

PROFLIGACY.

A. D 1793 Rescinded Beng. 1 [illegible] R. 7 § 2 1. The settlement is not to be made with landholders whom the Governor General in Council may deem disqualified on account of their contumacy or notorious profligacy of character, if not partners in a joint estate with others not disqualified, in which case the settlement is to be made by election of a manager. *Beng* 1793 *R.* 8. § 20. *Ced Prov.* 1803 *R* 25 § 29

ditto 2 If deemed so disqualified, their estates shall be managed for their benefit by Government *Beng* 1793 *R* 8. § 21. *Ced Prov* 1803 *R.* 52 § 1.

ditto 3 When a landholder is deemed contumacious or profligate, the Collector, under the instructions of the Board of Revenue, shall state the circumstances through the Vakeel of Government to the Zilla Court, who shall forward it to the Sudder Dewannee Adaulut, this Court will authorize the Zilla or Provincial Court to inquire into the case, in presence of the party or his Vakeel; who may produce evidence; and the proceedings shall be sent to the Sudder Dewannee Adaulut, who will report their decision to the Governor General in Council. *Beng.* 1793 *R.* 10. § 5. *C.* 4. *Ced. Prov* 1803 *R.* 52. § 9. *C.* 4.

[illegible] petition [illegible]

have ceased, the Court [illegible]

[illegible]

§ 9. C. [illegible]

5. The [illegible] of the Court [illegible] act of flagrant profligacy in their private conduct, proved to the satisfaction of the Governor General in Council. [illegible] 1795 R. 12. § 2. [illegible] Ben. 1795 R. 11. [illegible] Prov. 1803 R. 11. § 2.

6. The Court of Circuit are to report to the Nizamut Adaulut, [illegible] deem a law officer of the Court to have been guilty of any [illegible] private conduct. Beng. 1793 R. 9. § 6. ext. Ben. 1795 R. 16. § 4. [illegible] 1803 R. 7. § 29

7. The Cazee-ul-Cuzat is removable for profligacy in his private conduct [illegible] to the satisfaction of the Governor General in Council. Beng. 1793 R. [illegible] C. 1. Ben 1795 R. 49. § 2. C. 1 Ced. Prov. 1803 R. 46. § 2. C. 1.

8. And the Cazees of cities, towns or Pergunnahs Beng. 1793 R. 39. § 3. [illegible] ext Ben 1795 R. 49 § 3. Ced. Prov. 1803 R. 46. § 3. C 1.

9. Zilla, City and Appeal Courts are to report to the Governor General in Council, whenever they deem the Cazee of any City, &c. to have been guilty of any act of profligacy in his private conduct. Beng 1793 R. 39. § 6. C. 1. ext. Ben. 1795 R. 49 § 3. Ced Prov 1803 R. 46. § 6. C 1.

10. And the Cazee-ul-Cuzat is to report similarly. Beng. 1793 R. [illegible] C 2. ext. Ben 1795 R 49 § 3 Ced Prov. 1803 R. 46. § 6. C. [illegible]

11. The pleaders attached to the Civil Courts are [illegible] profligacy and misbehaviour in their private conduct, proved to the satisfaction of the Sudder Dewanee Adaulut. On proof that a pleader has [illegible] any [illegible] subjects him to dismission, the Court shall suspend him [illegible] proceedings to the Sudder Dewanee Adaulut. Beng. 1793 R. 27. § 13. ext. Ben. 1795 R. 13. § [illegible] Ced. Prov 1803 R. 21. § 21.

12. Disqualification for [illegible] profligacy is abrogated [illegible] Section 5. Regulation [illegible] these grounds of [illegible] sufficient. Beng. Ben. 1793 [illegible]

13. All proceedings, which [illegible] 1796 R. 7. § 7. [illegible]

14. The Board of Revenue [illegible] the Governor [illegible] all

[illegible] of this nature now under charge of the Court of Wards, and he will determine whether this Regulation shall be applied retrospectively to them. *Beng.* 1796 *R.* [illegible] § 4.

15. If such landholders shall be referred to the management of their estates, the settlement is to be made with them, according to Regulation 8 of 1803. *Beng.* 1796 *R.* 7. § 5.

A. D. 1803 16. Native pleaders, appointed by Zilla and City Judges to act in causes before the native Commissioners, may be removed for gross profligacy or misbehaviour in their private conduct proved to the satisfaction of the Judge. *Beng. Reg.* 1803 *R.* 49 § 16. *C.* 3. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 5.

PROSECUTORS.

A. D. 1793 1. On a prosecutor making oath to the truth of a criminal charge preferred in writing, the Magistrate shall issue his warrant for the apprehension of the person charged, and commit him for trial or release him, on the result of the depositions of the prosecutor and his witnesses; binding over the prosecutor and witnesses in a specific sum forfeitable to Government, to appear and prosecute and give evidence at the next sessions of the Court of Circuit if the party be committed. *Beng.* 1793 *R.* 9. § 5. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 5.

2. But in charges for abusive language, calumny, petty assaults and affrays, the Magistrates may decide without reference to the Court of Circuit. *Beng.* 1793 *R.* 9 § 8. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 8.

3. And in charges for petty theft not attended with aggravating acts nor committed by persons of notorious bad character. *Beng.* 1793 *R.* 9. § 9. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 9.

4. And if such charges be found litigious, may punish the prosecutor by imprisonment not exceeding fifteen days, or fine not more than fifty Rupees, unless he be a Mahometan or Hindoo of more than 10,000 Rupees annual produce, an Aymadar of more than [illegible] Rupees annual gross rent, a rent-free grantee of more than 1000 Rupees annual produce, who may be fined as far as 200 Rupees. *Beng.* 1793 *R.* 9. § 10. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 10.

5. [illegible] in the Magistrate's office in the English and the Bengal or Persian language. *Beng.* 1793 *R.* 9. § 7. *Ben.* (English and Persian) 1795 *R.* 16. § 4. *C.* 5. *Ced.* [illegible] English, Persian or Hindoostanee [illegible] *R.* 6. § 22.

6. Magistrates are [illegible] the proceedings, [illegible] day or night, the act complained

complained of was committed. *Beng.* 1793 *R.* 9. § 4. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 6.

7. When Magistrates receive notice of the expected arrival of the Court of Circuit, they shall require by publication all prosecutors to attend on the day fixed, under pain of forfeiting their recognizance. *Beng.* 1793 *R.* 9. § 13. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 11.

8. Prosecutors on criminal charges against British subjects shall be bound over to appear and prosecute at Calcutta; and in case of their inability to defray the expense of the journey, the Magistrate shall state to the Nizamut Adaulut what pecuniary assistance he would recommend *Beng.* 1793 *R.* 9 § 19 ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1.

9. Indigent prosecutors shall be allowed two Annas per diem while attending on the Court of Circuit, and for as many days as are necessary for their coming and returning. *Beng.* 1793 *R* 9. § 26. ext. *Ben.* 1795 *R.* 16 § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 26.

10. Prosecutors may carry on the prosecution by Vakeel, except when the Muhamedan law requires their personal appearance, or the Court of Circuit should deem their vivâ voce evidence necessary, but the attendance of female prosecutors shall not be required if of a rank and quality which makes it improper to compel their appearance in Court, and they shall be examined by deputation if the case admit of it. *Beng.* 1793 *R* 9 § 48. ext *Ben* 1795 *R* 16 § 22 *Ced. Prov* 1803 *R.* 7. § 16.

11. Prosecutors, who shall not choose to lodge their complaint before the Magistrate, may prefer it in writing to a Police officer who shall thereupon apprehend the person charged. *Beng.* 1793 *R* 22 § 7 *Ben.* 1795 *R.* 17. § 7 *Ced Prov.* 1803 *R.* 35. § 7.

12. And the Police officer shall take security from the prosecutor and his witnesses to appear on a fixed day before the Magistrate. *Beng.* 1793 *R.* 22. § 9. *Ben.* 1795 *R.* 17. § 9. *Ced. Prov.* 1803 *R.* 35. § 9.

13. Police officers of Zillas are not to impose any fine, nor inflict any punishment, on a prosecutor. *Beng.* 1793 *R.* 22. § 11. *Ben.* 1795 *R.* 17. § 11. *Ced. Prov.* 1803 *R.* 35. § 11.

14. Nor the Police officers of cities. *Beng.* 1793 *R.* 22 § 34. *Ben.* 1795 *R.* 17. § 32.

15. If a prosecutor refuse to pay the reward on the recovery of stolen goods, the Magistrate may detain and sell an adequate portion. *Beng.* 1793 *R.* 22. § 18. *Ben.* 1795 *R.* 17. § 17. *Ced. Prov.* 1803 *R.* 35. § 18.

16. If prosecutors on charges punishable by the Magistrate, except petty thefts, withdraw the charge, and the person accused agree to its being withdrawn, Police officers

A. D. 1793 ficers of Zillas may release the person accused, and shall send to the Magistrate the Razeenamas of the parties attested by two witnesses. *Beng.* 1793 *R* 22 § 12. *Ben.* 1795 *R* 17 § 12 *Ced Prov* 1803 *R.* 35 § 12.

17. And Police officers of cities. *Beng.* 1793 *R* 22 § 32 *Ben.* 1795 *R.* 17. § 30.

A. D. 1796 18 On a criminal charge being preferred to the Magistrate of Bhaugulpoor against any hill inhabitant, he shall cause it to be committed to writing and attested by the prosecutor, and shall, on the result of the examination of the prosecutor and his witnesses, either release the person charged *Beng* 1796 *R* 1. § 3.

19. Or commit him for trial before an assembly of hill chiefs, taking the necessary measures for ensuring the attendance of the prosecutor and his witnesses at the trial. *Beng.* 1796 *R* 1 § 4. *C.* 1.

20 The Magistrate may decide petty complaints, whenever he can adjust them to the satisfaction of both parties *Beng* 1796 *R* 1. § 5

21 And if such complaint be found litigious, may punish the prosecutor by confinement of fifteen days or corporal punishment not exceeding fifteen ratans *Beng* 1796 *R.* 1. § 6.

22 When a British subject is committed by a Magistrate who has qualified as Justice of Peace, for trial on a criminal charge before the Supreme Court at Calcutta, the prosecutor and his witnesses shall be bound over in recognizances to repair to Calcutta before the next session. *Beng. Ben.* 1796 *R.* 2 § 2 *C.* 2. *C. l. Prov* 1803 *R.* 6 § 19. *C* 2

23 And when a British subject is sent to Calcutta on such a charge by a Magistrate not so qualified *Beng Ben* 1796 *R.* 2 § 2. *C* 3 *Ced. Prov.* 1803 *R* 6 § 19 *C.* 3

24 Such prosecutors may be assisted with the allowance of two Annas per diem during their attendance on the Supreme Court, including a sufficient time for the journey to and from Calcutta. *Beng Ben.* 1796 *R* 2 § 3 *Ced Prov* 1803 *R.* 6 § 19 *C.* 4.

A D 1797 25 Complaints, punishable by the Magistrates under Section 8, Regulation 9 of 1793, are to be written on stampt paper paying a duty of eight Annas. *Beng Ben.* 1797 *R* 10 § 6 *Ced. Prov* 1803 *R.* 43 § 23

Repealed 1800 R. 7 23 26 They need not be on stampt paper when originally preferred to a Police officer, but must be drawn out on stampt paper if brought before the Magistrate. *Beng. Ben.* 1797 *R* 10. § 8.

27. Magistrates shall not hear any such complaint until written on stampt paper. *Beng. Ben.* 1797 *R* 10. § 6. *Ced. Prov.* 1803 *R.* 43 § 23.

28. But they may remit the duty to prosecutors who appear from poverty unable to discharge it. *Beng. Ben* 1797 *R.* 10 § 9. A. D.

29. Or may make the party complained against, repay it to the complainant *Beng. Ben* 1797 *R.* 10 § 10 *Ced Prov.* 1803 *R.* 43 § 23

30 Prosecutors, having claims for pecuniary compensations on prisoners to whom relief may be extended by the Nizamut Adaulut, shall prefer the same to Magistrates, who shall report to the Nizamut Adaulut the circumstances of the case, the reputed condition of the claimants, and their sentiments on the equity of the claim and the Nizamut Adaulut will submit such claim with their sentiments to Government. *Beng. Ben.* 1797 *R* 14. § 2.

31. No pecuniary damages shall be recoverable by any complainant on a criminal prosecution *Beng Ben* 1797 *R* 14 § 5 *C* 1 *Ced. Prov* 1803 *R* 7 § 39 *C.* 1.

32 But the Criminal Courts may restore to the prosecutor stolen goods produced in Court *Beng. Ben* 1797 *R* 14 § 7 *Ced Prov* 1803 *R* 7 § 29 *C.* 3.

33 And may adjudge him a reimbursement of costs actually incurred *Beng. Ben.* 1797 *R* 14 § 8 *Ced Prov* 1803 *R* 7 § 29 *C* 3

34 Prosecutors may presenting the nature of their complaint to evade the stamp duty on complaints punishable by the Magistrate shall pay a penalty of ten times the duty, or in case of inability may be otherwise punished by the Magistrate *Beng. Ben* 1800 *R* 7 § 23 *Ced Prov* 1803 *R* 43 § 23 A. D. 1800

35 Such complaints shall be on stamp paper when presented to a Police officer: who shall be fined for receiving such complaint not on stampt paper, and the complaint shall not be heard. *Beng Ben* 1800 *R* 7 § 23 *Ced Prov.* 1803 *R.* 43 § 2

6 The oath of a prosecutor may be dispensed with, if he be of such a rank and cast as would make it improper to compel an oath, on his subscribing the declaration ordered in Section 6, Regulation 4 of 1793. *Beng Ben* 1803 *R* 50 § 3 A. D. 1803

37 The person acting as a prosecutor for Government in charges preferred or prosecutions conducted on the part of Government, shall not be required to swear or to subscribe a declaration to the truth of the charge. *Beng Ben* 1803 *R.* 50. § 4. *Ced Prov.* 1803 *R.* 8 § 25 *C.* 5.

38 When a Magistrate, who is not Justice of Peace, receives a charge for a bailable offence against a British subject, he shall explain to the complainant the course to be pursued for obtaining redress by application to the Calcutta Justices or the Grand Jury, and, after calling on the accused for his reply, shall report the case A. D. 1806

A. D. 1800 vernor General in Council with his opinion whether the expense of the prosecution should be defrayed by Government, and the Governor General in Council will determine accordingly. *Beng Ben Ced. Prov* 1806 *R.* 15. § 5

39 And in unbailable offences committed by a British subject, the Governor General in Council will similarly determine whether the prosecution shall be conducted at the public expense by the law officers of Government *Beng. Ben Ced. Prov.* 1806 *R* 15 § 3.

PUBLICATION.

I. *IN JUDICIAL MATTERS.*

A. D. 1793 1. If a defendant avoid or abscond from process, publication is to be made, in the Persian and Bengal languages, (or, in Behar, in the Persian and Hindoostanee languages); is to contain a copy of the summons, and a notice that if the party do not attend on a day there fixed (not less than fifteen days from the fixing it up) the Court will try the cause ex parte it is to be fixed up in the Court room, on the outer door of the party's usual dwelling house, or in some conspicuous part of the village where he usually resided the Nazir shall return it with the times and places of affixing it endorsed thereon, and this return shall be filed of record *Beng* 1793 *R* 4 § 11 ext *Ben* 1795 *R.* 8 § 2 *Ced Prov* (in the Persian and Hindoostanee languages) 1803 *R* 3 § 13.

2 Similar publication shall be made for a female defendant who from D wan avoids process *Beng* 1793 *R* 4 § 13 ext *Ben* 1795 *R* 8 § 2 *Ced Prov* 1803 *R.* 3. § 15

3 For a respondent absconding from the process of a Provincial Court of Appeal. *Beng* 1793 *R* 5 § 16 ext *Ben* 1795 *R.* 9 § 6 *Ced. Prov.* 1803 *R* 4 § 16.

4. And of the Sudder Dewanee Adalut. *Beng.* 1793 *R.* 6 § 14 ext. *Ben.* 1795 *R* 10 § 2 *Ced. Prov* 1803 *R.* 5. § 14.

5. For persons absconding on charges of resistance to process of Zilla Courts, if landholders. *Beng.* 1793 *R.* 4 § 22 ext. *Ben* 1795 *R.* 8 § 2. *Ced Prov.* 1803 *R* 3 § 23.

6. Or Sudder farmers. *Beng.* 1793 *R* 4. § 24 ext. *Ben* 1795 *R.* 8 § 2. *Ced Prov.* 1803 *R.* 3. § 25.

7. Or any other person. *Beng.* 1793 *R.* 4 § 25. ext. *Ben.* 1803 *R.* 8. § 2. *Ced. Prov.* 1803 *R* 3 § 26.

8. Or on charges of resistance to process of a Provincial Court of Appeal, if landholders.

holders. *Beng* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23.

9 Or Sudder farmers. *Beng* 1793 *R.* 5. § 25 ext *Ben.* 1795 *R.* 9. § 6. *Ced Prov* 1803 *R.* 4. § 25.

10 Or any other person. *Beng.* 1793 *R.* 5 § 26 ext. *Ben.* 1795 *R.* 9. § 6. *Ced Prov* 1803 *R* 4. § 26.

11. To process of the Sudder Dewannee Adaulut, if landholders. *Beng* 1793 *R.* 6 § 24. ext. *Ben.* 1795 *R.* 2. § 10. *Ced Prov* 1803 *R* 5 § 24.

12 Or Sudder farmers. *Beng.* 1793 *R.* 6 § 26. ext *Ben.* 1795 R. 10. § 2. *Ced. Prov* 1803 *R.* 5 § 26.

13 Or any other person *Beng.* 1793 *R.* 6. § 27. ext. *Ben.* 1795 *R* 10. § 2 *Ced Prov* 1803 *R* 5. § 27.

14. Publication of the Circuit Court's expected arrival at the Magistrate's station is to be made, requiring all persons discharged on bail, and all prosecutors and witnesses bound on recognizance, to attend by the date fixed, under penalty of forfeiting their recognizances; and is to be sent to the Cazee of each Pergunna, and to be fixed up in some public place in the principal town or village of each Pergunna *Beng* 1793 *R.* 9 § 11 ext *Ben* 1795 *R* 16 § 4 *C.* 1 *Ced Prov.* 1803 *R.* 6. § 11.

15. Notice of a monthly jail delivery for a city is to be fixed up in the office of the Kotwal and of each Darogha *Beng.* 1793 *R* 9 § 13 ext *Ben* 1795 *R.* 16 § 4 *C.* 3

16. When a plaintiff neglects during one month to maintain the defendant in custody at his suit, a notification is to be made, in the Persian and Bengal languages, (or, in Behar, in the Persian and Hindoostanee languages,) requiring payment in one month of the arrear and of one month in advance, on failure of which the defendant will be released: and such notice is to be fixed up in the Court room *Beng* 1793 *R* 4 § 8. ext *Ben* 1795 *R* 8 § 2. *Ced Prov.* (in the Persian and Hindoostanee languages) 1803 *R* 3 § 10.

17. Publication of seized opium is to be made, notifying, that if no claimant shall appear within one month, it will be confiscated. *Beng* 1793 *R* 32 § 6 Re-enacted 1799 R. 6 § 19

18. A publication, requiring payment, within one month, of an institution fee on suits or appeals now (1795) pending, in failure of which they shall be dismissed, is to be fixed up in the Court room of each Court. *Beng* 1795 *R.* 38. § 10 *C.* 2 ext. *Ben.* 1795 *R.* 60. § 2. A. D. 1795

19.

A. D. 1796

19. A proclamation for persons absconding on a charge of resistance to process of Magistrates or of Police officers, is to be made, in the Persian and Bengal languages, (in Behar or Benares, in the Persian and Hindoostanee languages,) is to require them to appear at a fixed period (not less than one month), is to be published by beat of drum, and is to be affixed in the Magistrate's Cuchery, and on the outer door of the house or in some conspicuous place in the village where the party usually resided. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 1. *Ced. Prov.* (in the Persian and Hindoostanee languages) 1804 *R.* 3 § 2. *C.* 1.

20. Similar publication for a person absconding on a charge for any criminal offence. *Beng. Ben.* 1796 *R.* 11. § 4. *C.* 1. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 1.

A. D. 1797

21. A publication that all persons sentenced to be confined for life, or for a term of seven years and upwards, for murder, Dukyty, robbing, plundering, or burning houses or property, or any other crime of a heinous nature, will be liable to transportation to some place beyond sea by order of the Nizamut Adaulut, is at every jail delivery to be read and affixed in the Cucheries of the Magistrates as well as in the Cucheries of their Police officers. *Beng. Ben.* 1797 *R.* 4. § 10.

22. A publication, prohibiting the practice of sitting D'hurna, and notifying that any persons who may practise the same after the publication will subject themselves to the punishment therein mentioned is to be transmitted by Zilla Magistrates to the Police Daroghas, and by City Magistrates to the Daroghas of the city wards, with directions to publish the same by beat of drum at their Thanas and wards, and to return it to the Magistrate with a certificate of such publication, and of the manner in which it has been made: such proclamations so certified are to be deposited among the Magistrate's records; and a copy of the proclamation or Darogha's certificate, authenticated by the Magistrate's signature is to be laid before the Court of Circuit on every trial for D'hurna. *Beng.* 1797 *R.* 5 § 2. *Ced. Prov.* 1804 *R.* 3. § 9. *C.* 1.

23. In suits relative to the inheritance of, or succession to, landed property, a publication is to be affixed by the Commissioners of suits concerning land in some conspicuous part of their Cucheries, notifying the claim preferred and requiring all other persons who have any claim to the property to prefer the same within a limited period. *Beng.* 1797 *R.* 18. § 5. *C.* 2.

A. D. 1799

24. If a person die intestate, leaving personal property, and no claimant be on the spot, a publication is to be made in the current languages of the country, requiring the heirs of the deceased, or other persons entitled to receive charge of his effects, to attend for the purpose, and is to be published on the spot where the property was found, at the Cuchery of the Zilla or City Court, at the dwelling place of the deceased if ascertain-

able,

[illegible]ble, or in the Calcutta Gazette, if [illegible] were [illegible]. [illegible] R. 5 § 7. Ced. Prov 1803 R. 8 § 18 C. 7.

25. Publication of seized opium is to be made, notifying, that, if no [illegible] appear within one month, it will be confiscated. *Beng. Ben.* 1799 R. [illegible] *Prov.* 1803 R. 41. § 12.

26. Similar publication of the boats &c. on which it was laden. *Beng.* [illegible] R. 6. § 20. *Ced. Prov* 1803 R 41. § 13.

27. A publication of the rules prohibiting the sacrifice of children is to be made, by the Magistrates of districts in which such sacrifices may have been hitherto practised, from time to time, at the places and in the seasons where and when such sacrifices have hitherto been effected. *Beng. Ben.* 1802 R 6. § 4.

28. The same publication shall be made in suits relative to the inheritance of, or succession to, landed property, by head Commissioners, which is directed to be made in similar suits by Commissioners in Chittagong *Beng. Ben.* 1803 R. 49. § 9. C. 9 *Ced. Prov.* 1803 R. 16 § 26 C 9. A. D. [illegible]

II. *IN REVENUE MATTERS.*

1. In cases of resistance by landholders to a Collector's process of arrest for revenue arrears, publication is to be made in the Persian and Bengal languages, (in Behar, the Persian and Hindoostanee languages,) is to require the defaulter to deliver himself into the custody of the Court within four weeks from the date of publication, is to be affixed at his usual place of abode if within the Zilla, at the principal Cuchery of the estate or farm from which the arrear is due, in the Collector's office, and the Court-room. *Beng* 1793 R 14 § 15 *Ben* (in the Persian and Hindoostanee languages) 1795 R. 6 § 22. *Ced Prov.* 1803 R. 27 § 22. A. D. [illegible]

2 And in cases of resistance by Sudder farmers *Beng* 1793 R. 14 § 19 ext. *Ben.* 1795 R. 6 § 26 *Ced. Prov* 1803 R. 27 § 26.

3. Or by sureties. *Beng.* 1795 R. 14. § 21. *Ben.* 1795 R. 6. § 28. *Ced. Prov.* 1803 R 27 § 28.

4. Publication in a prescribed form, requiring the registering of rent-free grants, is to be made in the Persian and Bengal languages, (in Behar, the Persian and Hindoostanee languages,) is to be attested by the official seal and signature of the Collector, is to be fixed up in the principal Cuchery of each landholder, Sudder farmer or Khas Collector, and of each Pergunna or portion of Pergunna comprised in each estate, farm or Khas collection; and they shall give a receipt specifying the date of its being fixed up; and

and it is to remain so affixed during one year from its date. *Beng.* 1793 *R.* 19. § [illegible] *Ben.* (in the Persian and Hindoostanee languages) 1795 *R.* 41. § 25. *Ced. Prov.* 1803 *R.* 31. § [illegible].

5. The same for Badshahee grants, to be fixed up in the principal Cuchery of the holders of such grants; who shall give a similar receipt. *Beng.* 1793 *R.* 37. § 20. *Ben.* 1795 *R.* 42. § 20. *Ced. Prov.* 1803 *R.* 36. § 20.

Re-enacted [illegible] *R.* 30. § 8

6. Previous publication of the sale of distrained property is to be made by the Cazee, is to be fixed up in the head Cuchery of the Pergunna, is to contain a list of the distrained property, with a notice of the day on which it will be sold, which shall be the 15th from the day after that on which the attachment took place; except ungathered crops, for which it shall be the 15th day from the day after their being stored. *Beng.* 1793 *R.* 17. § 22.

7. Publication of a sale of land for recovery of arrears of revenue is to be made in the Persian and Bengal languages, (in Behar, the Persian and Hindoostanee languages), is to specify the Jumma of the lands or of each lot, the place, date and hour of sale, the proportion of revenue payable by the purchaser for the remainder of the year, or the rules for adjusting such proportion, is to be fixed up for not less than one month in the Court-room, the Collector's office, the principal town or village of the estate, and the office of the Secretary of the Board of Revenue. *Beng.* 1793 *R.* 14. § 26. *Ben.* (in the Persian and Hindoostanee languages) 1795 *R.* 6. § 32. *Ced. Prov.* 1803 *R.* 26. § 5.

8. The same for a sale of lands in execution of a decree. *Beng.* 1793 *R.* 45. § 12. ext. *Ben.* 1795 *R.* 20. § 12. *Ced. Prov.* 1803 *R.* 26. § 25.

A. D. 1794

9. If a native officer under a Collector refuse to attend to adjust his accounts, publication requiring his attendance is to be made under the official seal and signature of the Collector, and is to be fixed up in his Cuchery and at the place where the officer may have last resided. *Beng.* 1794 *R.* 3. § 18. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 6.

10. A publication for the delivery of Pottahs is to be made under the seal and signature of the proprietor or farmer of the estate, is to specify that Pottahs according to the form approved and at the established rates will be granted to all Rayats who may apply for them, is to state where, when and by whom the Pottahs will be delivered, and is to be fixed up in the principal Cucheries of the estate or farm. *Beng.* 1794 *R.* 4. § 5. *Ben.* 1795 *R.* 51. § 5.

A. D. 1795 Re-enacted [illegible]

11. A previous publication is to be made by the Cazee for the sale of distrained property; is to be fixed up on the outer door of his own house, and at the place where the property

perty it is to be sold, is to contain a list of the property distrained; and it is to specify, firstly, the place of sale, which shall be the place where the property was lodged by the distrainer, or the nearest Gunj, Haut, Bazar or other place of public resort; secondly, the day of sale which shall be the fifteenth from the day after making the attachment, or if ungathered crops from the day after their being reaped and stored; thirdly, the hour of the sale which shall be during the hours of business. *Beng* 1795 *R.* 35 § 5. *Ben.* 1795 *R.* 45. § 20. *Ced. Prov* 1803 *R.* 28. § 20. *C.* 1.

12. A publication of any increase sanctioned by Government in the rates of duty on stills shall be fixed up by Judges in their Cuchery for general information. *Beng. Ben.* 1797 *R.* 7. § 4. *Ced Prov.* 1803 *R.* 40. § 6. *C.* 4. A. D. 1797

13. The publication for the sale of distrained property is to be made by beat of drum on one market day at least before the market day on which the sale may take place, as well as on the morning of the day of sale; and is to fix as early a day for the sale as may be compatible with a due observance of all other directions, and which shall not be less than five complete days from the day after the attachment or after the storing of ungathered crops *Beng.* 1799 *R.* 7. § 4 *Ben.* 1800 *R.* 5. § 4. *Ced. Prov.* 1803 *R.* 28. § 20. *C.* 1. A. D. 1799.

14. A publication of the attachment of an estate or farm for revenue arrears is, immediately after such attachment taking place, to be made as public as possible throughout the attached lands. *Beng.* 1799 *R.* 7. § 23. *C.* 3. *Ben.* 1800 *R.* 5. § 24. *Ced. Prov.* 1803 *R.* 27. § 14. *C* 2.

15 Publication of a purchase of land at the Collector's sale is to be made at the Cuchery of the Pergunna or Mehal sold, and at the Cuchery of the Dewannee Adaulut; is to state the land sold as exhibited at the time of sale, the name of the purchaser, the date of his purchase, and his succession to all the rights of the former possessor. *Beng.* 1799 *R.* 7. § 29 *C* 5 ext *Ben.* 1800 *R* 5. § 26. *Ced. Prov* 1803 *R.* 26. § 11.

16. A publication of the rate of duty on each description of stones usually quarried in Chunar, Ghazipoor and Mirzapoor, is to be kept constantly affixed in the Collector's Cuchery and in some conspicuous place at each of the quarries. *Ben* 1800 *R.* 2 § 4. A. D. 1800.

17. A publication of any increase authorized by Government in the rates of duty on intoxicating drugs shall be fixed up by the Judges in their Cucheries for general information. *Beng Ben.* 1800 *R.* 6. § 3. *Ced. Prov.* 1803 *R.* 40 § 15.

18. The publication for registering rent free grants, where it may not have been duly made, as prescribed, is to be made by Collectors without delay in the manner prescribed, as well as in their own Cucheries, and in the Cucheries of the Dewannee Courts, allowing

A. D. 1800 lowing the further period of one year from the date of ſuch publication for the regiſtry of the lands. *Beng. Ben.* 1800 *R.* 1. § 19.

A. D. 1802 19. A publication of ſpirits, ſtills &c. ſeized as forfeited, is, in caſe of no perſon claiming the ſame within twenty days, to be made in the Calcutta Gazette, or at the Cuchery of the Magiſtrate in whoſe Zilla the ſame were ſeized, ſignifying the place where, and the day and time of the day when, the Calcutta Juſtices, or the Zilla Magiſtrate, will proceed to hear the matter of ſuch ſeizure and to the condemnation thereof. *Beng.* 1802 *R.* 2. § 31.

A. D. 1803 Expired 20. A publication is to be made, in the Ceded Provinces, of intended public ſales of ſalt, ſpecifying the place and time of the ſale, the quantity and quality of the ſalt to be ſold, and all other neceſſary particulars; and no ſale ſhall be held until ſuch previous notification ſhall have been made. *Ced. Prov.* 1803 *R.* 39. § 18.

21. A written notification under the ſignature of the Mint Maſter at Furrokhabad, and of the ſeveral Judges, Magiſtrates and Collectors, ſhall be fixed up in a conſpicuous part of the Mint, and of the ſeveral Cucheries, ſpecifying the terms on which the bullion or light coin of individuals may be converted into ſtandard coin; and ſimilar notification ſhall be made of any future change in the terms. *Ced. Prov.* 1803 *R.* 45. § 31.

22. And a notification under the ſignature of the Mint Maſter is to be fixed up in the Mint and the ſeveral Cucheries, whenever the mint is prepared to commence the new coinage. *Ced. Prov.* 1803 *R* 45. § 41. *C.* 2.

PUTWAREES.

A. D. 1793 1. Landholders ſhall appoint a Putwaree for each village, unleſs the Board of Revenue ſhould permit a reduction in the number where a ſeparate Putwaree for each village may appear unneceſſary. *Beng.* 1793 *R.* 8. § 62. *C.* 2. *Ben.* 1795 *R.* 27. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 1.

2. A liſt of the Putwarees, with the name of the village to which each belongs, is to be depoſited in the Zilla Court, the Collector's office, and the Cuchery of each Mehal; vacancies and appointments ſhall be reported to the Courts and Collectors every three months. *Beng.* 1793 *R.* 8. § 62. *C.* 2. *Ben.* 1795 *R.* 27. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 1.

3. Putwarees ſhall produce their accounts, and furniſh every information, when required by a Court of Judicature. *Beng.* 1793 *R.* 8. § 62. *C.* 3. *Ben.* 1797 *R.* 27. § 9. *C.* 3. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 2.

4. And on requisition of the Collector, in cases where he is empowered by a Regulation to make such requisition: but if a Collector call without authority for a Putwaree, the Court, on a representation from the landholder, may prohibit the Collector, and may fine him if he persevere. *Beng.* 1793 *R.* 8. § 62. *C.* 4. *Ben.* 1795 *R.* 27. § 9. *C.* 4. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 3.

5. Collectors or Courts, summoning Putwarees, are to serve a written notice particularizing the accounts required: Putwarees, not showing good cause for omitting to attend with the accounts, may be committed by the Courts till production of them; and Collectors shall report such omissions to the Court through the Vakeel of Government. *Beng.* 1793 *R.* 8. § 62. *C.* 5. *Ben.* 1795 *R.* 27. § 9. *C.* 5. *Ced. Prov.* 1803 *R.* 29. § 2 *C.* 4.

6 Putwarees are to swear to the truth of their accounts; the Court, on application from a Collector through the Vakeel of Government, may commission the Collector, if proceeding in person, or any officers deputed by him, on a local investigation, to swear the Putwarees; the Courts shall themselves swear Putwarees if examined by the Collector at the Sudder station. *Beng.* 1793 *R.* 8. § 62. *C.* 6. *Ben.* 1795 *R.* 27. § 9. *C* 6. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 5.

7. Courts shall commit for trial before the Court of Circuit, for perjury, Putwarees swearing to fabricated, altered, or untrue accounts. *Beng.* 1793 *R.* 8. § 62. *C.* 7. *Ben.* 1795 *R.* 27. § 9. *C* 7. *Ced. Prov.* 1803 *R.* 29 § 2. *C.* 6.

8 Collectors shall prosecute for perjury, through the Vakeel of Government, Putwarees producing to the Collector, or Collector's officer, on oath, accounts fabricated &c *Beng.* 1793 *R* 8. § 62. *C* 8 *Ben.* 1795 *R.* 27 § 9. *C.* 8. *Ced. Prov.* 1803 *R* 29 § 2 *C.* 7.

9. Landholders, proved to the satisfaction of the Court to have ordered, known of, or connived at, the fabrication &c of accounts produced by Putwarees to Courts or Collectors, shall be fined by the Court, according to their circumstances in life. *Beng.* 1793 *R* 8. § 62. *C.* 8. *Ben.* 1795 *R.* 27. § 9. *C.* 8. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 7.

10. If, on the requisition of a village account in an authorized case, it shall be found, that no Putwaree has been appointed, the Court shall fine the proprietor according to his circumstances, and shall double the preceding fine for every subsequent offence; if the accounts should have been required by a Collector, he shall order the Vakeel of Government to sue the proprietor for a breach of Clause 2. *Beng.* 1793 *R.* 8 § 62. *C* 9. *Ben* 1795 *R.* 29. § 9 *C.* 9. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 8.

A. D. [illegible] 12. [illegible] above rules are [illegible] applicable to dependant [illegible] *Beng.* 1793 *R.* [illegible] § [illegible] *C.* 10. *Ced. Prov.* [illegible] 29 § 3. *C.* 1.

[illegible] The proprietor or farmer of an estate attached for fail[illegible] shall cause, under penalty of a daily fine by order of the Board with the sanction of Government, the Putwarees to attend the Ameen with the necessary accounts and information. *Beng.* 1793 *R.* 45. § 11. *Ben.* 1795 *R.* 20. § 12. *Ced. Prov.* 1803 *R.* 20. § 4. *C.* 1.

13. Putwarees, refusing to deliver accounts of an estate ordered to be divided, shall be proceeded against by Section 62, Regulation 8. *Beng.* 1793 *R.* 25. § 17. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 4.

A. D. 1794 14. The rules for Putwarees are not to extend to the Behar portion of Zilla Ramghur; the officers employed by landholders, &c. for keeping village accounts, shall be bound to produce them; and shall be liable to all the rules respecting Putwarees in Section 62, Regulation 8 of 1793, except Clause 9. *Beng.* 1794 *R.* 4. § 3.

A. D. 1799 15. The village Putwarees are bound to produce to the Collector and Ameen all accounts of lands attached for arrears of revenue; and the Collectors are to take measures for ascertaining whether Putwarees have been appointed in their districts, and are to require their immediate appointment, where found wanting, under the penalties of Section 62, Clause 9, Regulation 8 of 1793, which if necessary they shall enforce. *Beng.* 1799 *R.* 7. § 23. *C.* 4. *Ben.* 1800 *R.* 5. § 25. *Ced. Prov.* 1803 *R.* 27. § 15. *C.* 4.

16. But proprietors of small estates, who superintend their own lands and cannot afford the expense of Putwarees, need not appoint any; but must in such case themselves furnish the accounts required, under the same rules with Putwarees. *Beng.* 1799 *R.* 7. § 23. *C.* 4. *Ben.* 1800 *R.* 5. § 25. *Ced. Prov.* 1803 *R.* 29. § 4.

A. D. 1801 17. The rules for Putwarees are applicable to all native Agents employed by landholders in the management of their estates, and in keeping the account of lands, rents, receipts, and disbursements; and, if convicted of altering accounts, they shall, besides other penalties, be dismissed from their employer's service under a penalty on the employer if he ever again employ them. *Beng. Ben.* 1801 *R.* 1. § 8. *Ced. Prov.* 1803 *R.* 29. § 3. *C.* 2.

QUARRIES.

A. D. 1795 Modified 1800 *R.* 4 § [illegible] *C.* 2 1. The prices, at which stones are to be furnished from the Benares quarries, were on the 25th November 1784 ordered to be no higher than in the year 1781. *Ben.* 1795 *R.* 22. § 81. *C.* 1.

2. [illegible] be furnished at the same [illegible] as formerly. *Ben.* 1795 R. 22. § 82. C. 2.

3. And no duties to be levied on stones at Chunar. *Ben.* 1795 R. 22. § 82. C. 3.

4. The prices, at which stones are to be furnished to the inhabitants of Mirzapoor, were on 13th March 1790 fixed by a schedule made public. *Ben.* 1795 R. 22. § 82. C. 1.

5. With the concurrence of the inhabitants. *Ben.* 1795 R. 22. § 82. C. [illegible]

6. The traffic in inferior stones called Dhoka is free to all dealers. *Ben.* 1795 R. 22 § 82 C 3

7. And the hill people are exempt from all duties on stones required for their own use *Ben* 1795 R. 22 § 82. C 4.

8 Stones exported from Mirzapoor must be accompanied by the pass of the stone quarry farmer. *Ben* 1795 R 22. § 82 C 5.

9 Are to pay duties on passing the Fort of Chunar, but no Custom-house duties on exportation *Ben* 1795 R. 22. § 82 C 6.

10. Quarry stones from Chunar may be exported free of duty. *Ben* 1795 R. 3. § 10 C 2.

11 Duties are to be levied at various rates, according to the description and dimensions of stones excavated in the quarries of Chunar, Ghazeepoor and Mirzapoor, on some by weight and tale *Ben.* 1800 R. 2 § 3 C. 1. A. D. 1800

12 And on some by measurement. *Ben.* 1800 R 2. § 3 C 2.

13 A statement of the duties, in the country languages, is to be fixed in some conspicuous place at each quarry *Ben* 1800 R 2. § 4.

14 All persons (including British subjects having leave to reside in Benares) are at liberty to excavate such stones under the following restrictions *Ben.* 1800 R 2. § 2.

15 No further duty or customs shall be taken on the stones. *Ben.* 1800 R. 2 § 8.

16 But Government may increase or decrease the duties, and enact any other rules respecting them *Ben.* 1800 R. 2 § 14

17 The duty is to be paid before the removal of the stones from the vicinity of the quarry *Ben* 1800 R. 2 § 5.

18 The duty is to be paid into the Treasury of the Benares Collector, who, on receipt thereof, shall grant Ruwanas specifying the stones which may be removed, and the Ruwana is to be delivered by the party to the quarry Daroghah who shall keep it as his voucher for the removal. *Ben.* 1800 R. 2 § 5.

19.

A. D. 1800

19. The Darogha shall endorse thereon the date of the removal, and transmit all Ruwanas monthly to the Collector, giving the party a Chorchitteen or pass for the stones removed; Daroghas shall keep lists of Chorchitteen in a form prescribed by the Collector. *Ben.* 1800 *R.* 2. § 8.

20 No more duty shall be taken on Chorchitteen in any part of the Company's Provinces; and the exaction of any further duty, and all charges of corruption against the quarry officers, are to be prosecuted in the Dewannee Adaulut. *Ben.* 1800 *R.* 2. § 9.

21. Applications for Ruwanas are to contain an exact list of the stones quarried, with all particulars of the number, dimensions &c. countersigned by the Darogha and measurer, who are required, on the application of the party, to weigh, count and measure all stones quarried *Ben.* 1800 *R.* 2. § 6.

22. Daroghas are to affix some mark of identification on the stones or heaps which they may have weighed, counted or measured; and, on suspicion of subsequent alteration, may again weigh, count or measure them: the whole quantity will be liable to confiscation on discovery of any fraudulent alteration. *Ben.* 1800 *R.* 2. § 7.

23. Also stones removed from the vicinity of the quarry without payment of duties, together with the cattle and carriages *Ben.* 1800 *R.* 2. § 11.

24. The Collector shall nominate, for the approbation of the Revenue Board, Daroghas for the several quarries, who shall be sworn and give security and be subject to all the rules of Section 15, Regulation 3 of 1794; their establishments are to be fixed by the Collector, subject to the approbation of Government through the Board: the Collector may give them such instructions as may best prevent the removal of stones without payment of duties. *Ben.* 1800 *R.* 2. § 10.

25. Daroghas &c. are to receive one half of the proceeds of stones confiscated through their means where there was no informer, and one quarter when they act on information, (with discretion vested in the Collector to distribute the reward among several officers according to their respective merits): and are to be dismissed if a seizure should be made without their interference, and the Collector should consider them deserving of it, besides a criminal prosecution for breach of trust if proved to have connived: informers are to have a quarter of the confiscation, and, if acting alone, the half of it: the Collector is to fix limits round the quarries beyond which no obstruction shall be offered to the transportation of stones. *Ben.* 1800 *R.* 2. § 12.

26. All seizures of stones are immediately to be reported to the Collector, who may release them on proof that the duty had been paid, or that there was no intention

to

to remove them without payment of duty; and shall cause the seizer to make adequate reparation to the owner, who may recover full damages and costs by suit, if due reparation shall have been refused: the Collector shall, on the contrary, confiscate the stones on proof of attempts to remove them without payment of duties, and shall advertise them for sale in not less than fourteen days: but the owner may bring a suit against the Collector in ten days from the date of such order, or subsequently on good cause shown for the delay if preferred before the sale; the Collector is to defend such suits through the Vakeel of Government, but no such suit is to be received after the day of sale. *Ben.* 1800 *R.* 2. § 12. A. D. 1800.

27. All confiscations and sales shall be reported to the Board, with all accounts, &c. which may be required. *Ben.* 1800 *R.* 2 § 13.

28. Clause 4, Section 82, Regulation 22 of 1795, exempting the hill inhabitants from duties on stones for their own use, remains in force; but the Collector shall instruct the Daroghas to prevent abuses of this privilege, which shall be punished by confiscation. *Ben.* 1800 *R.* 2. § 15.

QUIT-RENTS.

1. Malguzaree Ayma (or lands liable to a fixed quit-rent) if held under grants of the Muhamedan Government previous to the Company's accession to the Dewannee, or since granted by the proprietor of the soil for a valuable consideration, are to be separated from the Zemindar as independent Talooks; but if granted merely for bringing waste lands into cultivation shall remain annexed as dependant Talooks. 1793 *R.* 8. § 9. A. D. 1793.

2. Proprietors of Aymas, paying a quit-rent of 500 Rupees to Government, may be fined as far as 200 Rupees by Magistrates for abusive language, calumny, inconsiderable assaults and affrays. *Beng.* 1793 *R.* 9. § 8. ext *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 8.

3. And for litigiously preferring such charges. *Beng.* 1793 *R.* 9. § 10. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 10.

4. No appeal is to be received from any decision passed by any of the Civil Courts between 6th April 1781 and 1st May 1793 for Ayma land paying a quit-rent to Government not exceeding fifty Rupees per annum: but, if such an appeal should have been received, it shall be tried. *Beng.* 1794 *R.* 5. § 2. A. D. 1793.

5. Aymadars in Benares, dispossessed during the Vizier's administration, shall not be restored to their lands. *Ben.* 1795 *R.* 2. § 9. *C.* 1. A. D. 1795.

A. D. [illegible] 6. The Pelheushee tenures, on quit-rent, in Pergunna [illegible], granted by the Emperor and Soobadars of Oude, are continued. *Ben.* 1795 *R.* 2 § 17. *C.* 8.

A. D. 1805 7. Any fixed quit-rent, which the holders of the endowments on the temple of Jugunnaut are bound to pay by the terms of their grants, shall continue to be paid. *Beng.* 1805 *R.* 12. § 8.

8. And the holders of lands appropriated to the support of the Police in Cuttack. *Beng.* 1805 *R.* 12 § 9.

9. The settlement, formed by the Commissioners in Cuttack, at a fixed annual quit-rent, with certain hill Zemindars, is confirmed in perpetuity. *Beng* 1805 *R.* 12 § 35. *C.* 1.

10. And a similar settlement at a fixed annual quit-rent shall be concluded with the other hill Zemindars *Beng* 1805 *R* 12. § 35. *C.* 3

11 And with the Zemindar of Mohurbunj *Beng* 1805 *R* 12. § 37.

RAZEENAMAS.

A. D. 1793 1. On suits withdrawn by Razeenama before the rejoinder shall have been filed, the Vakeel will be entitled to only half of the established fee, but, on suits withdrawn after the rejoinder shall have been filed, the Vakeels will be entitled to full fees: all costs on withdrawn suits are payable by the plaintiff or appellant. *Beng* 1793 *R.* 7. § 13 ext. *Ben* 1795 *R* 13 § 2 *Ced Prov* 1803 *R* 10. § 12

2. Police Daroghas of Zillas may discharge the defendant in charges punishable by the Magistrate, except for petty thefts, on both parties delivering written Razeenamas attested by two creditable witnesses withdrawing the complaint; which Razeenamas are to be transmitted with the monthly reports to the Magistrate. *Beng.* 1793 *R.* 22. § 12. *Ben* 1795 *R* 17. § 12. *Ced Prov* 1803 *R.* 35. § 12.

3. Also Kotwals and Daroghas of cities, who shall submit them the following day to the Magistrate. *Beng.* 1793 *R.* 22. § 32. *Ben* 1795 *R.* 17. § 30.

A. D. 1795 Re-enacted 1797 R. 6 § 4 4. The Registers are entitled to the whole of the institution fee on suits referred to them, if adjusted by Razeenama. *Beng.* 1795 *R.* 38 § 3 *C* 6. ext. *Ben* 1795 *R.* 60. § 2.

ditto 5. And the native Commissioners. *Beng.* 1795 *R.* 38. § 3. *C.* 7 ext *Ben.* 1795 *R.* 60. § 2.

A. D. [illegible] Re-enacted 1800 R. [illegible] 6. Unless a charge preferred to Police Daroghas be withdrawn by Razeenama, it must be written on stampt paper when transmitted to the Magistrate. *Beng.* *Ben.* 1797 *R.* 10. § 8.

7. The Registers are entitled to [illegible] Anna per Rupee on fifty Rupees, and half an Anna above fifty Rupees, from the institution fee, in suits referred to them, when adjusted by Razeenama. *Beng. Ben.* 1797 *R.* 6. § 4. *C.* 6.

8. And the native Commissioners to the whole of such fee. *Beng. Ben.* 1797 *R.* 6. § 4. *C.* 7.

9. The provisions regarding plaintiff's fees are not to affect suits which may be withdrawn on drawn on the Razeenamas of the parties. *Beng. Ben.* 1798 *R.* 5 § 11. *Ced. Prov.* 1803 *R* 10 § 8. *C.* 5.

10. Charges preferred to a Police Darogha must be written on stampt paper, whether withdrawn by Razeenama or transmitted to the Magistrate. *Beng. Ben.* 1800 *R.* 7. § 23 *Ced Prov.* 1803 *R.* 43. § 23.

11. Registers are entitled to a moiety of the institution fee in suits referred to them, if adjusted by Razeenama *Beng. Ben.* 1803 *R.* 49. § 7. *C.* 2. *Ced. Prov.* 1803 *R* 43. § 4. *C* 6.

12. And head Commissioners to the whole. *Beng Ben* 1803 *R.* 49. § 11. *C* 2 *Ced. Prov* 1803 *R* 45. § 3 *C.* 5.

13 Also Commissioners acting as referees. *Beng Ben.* 1803 *R* 49. § 11. *C.* 3. *Ced. Prov* 1803 *R.* 43 § 4 *C* 7.

14. Or as Munsifs. *Beng Ben.* 1803 *R.* 49. § 11. *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 3. *C.* 3.

15 Or as arbitrators. *Beng. Ben.* 1803 *R.* 49. § 11. *C.* 6. *Ced. Prov.* 1803 *R.* 43. § 3. *C* 6.

16. Zemindars in charge of Police in the Jungul Mehals may take Razeenamas in charges for petty assaults and abusive language, if delivered within twenty-four hours after the appearance of the defendant *Beng.* 1805 *R.* 18. § 7. *C.* 10.

RECEIPTS.

1. Collectors are to give monthly receipts for all payments of revenue, specifying the date of payment and the species of Rupee received, which shall be registered numerically by the keepers of the records, who shall attest thereon the date of the Registry; and a copy of the register is to be transmitted to the Board of Revenue monthly, or as often as required: a similar register of receipts is to be kept by Tehsildars, &c. and transmitted to the Collector monthly, or as often as required. *Beng.* 1793 *R.* 4 § 25. *Ben.* 1795 *R.* 5 § 23. *Ced. Prov.* 1803 *R.* 25. § 24.

2. [illegible] 1793 2. All receipts for salaries, pensions or allowances paid by Collectors, are to be deposited among the records, and registered by the keepers of the records, and a copy of such register shall be sent annually to the Board. *Beng.* 1793 *R.* 2. § 26. *Bah.* 1795 *R.* 5. § 24. *Ced. Prov.* 1803 *R.* 25. § 25.

3. The Vakeels of the Courts are to give a receipt for the retainer specifying the date on which it was paid to them. *Beng.* 1793 *R.* 7. § 7. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 6.

4. And are to give receipts for all accounts, writings or documents delivered to them by the client. *Beng.* 1793 *R.* 7. § 15. ext. *Ben.* 1795 *R.* 13 § 2. *Ced. Prov.* 1803 *R.* 10. § 14.

5. Landholders &c. are to give a receipt for every payment of revenue, and a receipt in full on complete discharge, under penalty of damages equal to double the amount of the payment for refusal to grant a receipt. *Beng.* 1793 *R.* 8. § 63. *C.* 1. *Ben.* 1795 *R.* 2. § 14. *C.* 5.

6. The Collector shall deliver to the manager of a disqualified landholder, a receipt for all title deeds and securities belonging to the estate received from the manager, and an attested copy of the Sub-treasurer's receipt for all title deeds and securities which he shall have transmitted to the Court of Wards to be deposited in the general Treasury. *Beng.* 1793 *R.* 10. § 18. *Ced. Prov.* 1803 *R.* 52. § 22.

7. The restrictions regarding the proof necessary for bonds are not to extend to receipts. *Beng.* 1793 *R.* 3. § 15. ext. *Ben.* 1795 *R.* 7. § 9. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 3.

Expired 8. Collectors of Police tax shall give a receipt for each person's contribution; and no person shall be bound to pay unless a receipt be given to him at the time. *Beng.* 1793 *R.* 23. § 32.

9. Salt Agents are to take receipts from the contractors &c. for the advances made to them. *Beng.* 1793 *R.* 29. § 8.

10. And from salt workers and labourers. *Beng.* 1793 *R.* 29. § 9.

11. And no person shall be considered engaged until he have given a receipt. *Beng.* 1793 *R.* 29. § 10.

12. Such receipt shall be primâ facie evidence of the advances having been received voluntarily, and shall not be set aside without satisfactory evidence of compulsion. *Beng.* 1793 *R.* 29. § 11.

13. A revenue defaulter, or the head officer attending at his Cutchery, shall give a receipt, specifying the date of its being served, to the Peon serving a demand of revenue;

or,

[illegible] affix the [illegible] the Cutchery [illegible]

14. The Collector is [illegible] notification [illegible] of rent-free grants, [illegible] within it shall be [illegible] in their [illegible], specifying the [illegible] which [illegible] been filed up. *Beng.* [illegible] § 26. *R.* [illegible] § 20. *Ben.* 1795 [illegible] § 25. *R.* [illegible] *Ced. Prov.* [illegible] 31 [illegible] *R.* 36 § 20.

15. Judges are to take and deposite among their records, or transmit to the President [illegible] cy, according as may be directed, a receipt from the Collector for all fines paid [illegible] on account of stamp-duties for paper furnished to paupers when recovered from them. *Beng. Ben.* 1800 *R.* 7. § 16. *Ced. Prov.* 1803 *R.* 43. § [illegible] *C.* 8.

16. Receipts for any sum of money exceeding sixteen Rupees are to be on stamped paper paying a duty of two Annas on sixty-four Rupees, four Annas on 125 Rupees, eight Annas on 250 Rupees, one Rupee on 500 Rupees, two Rupees on 1000 Rupees, four Rupees on 2000 Rupees, eight Rupees on sums above 2000 Rupees: except receipts on account of Government or for money paid to Government. *Beng. Ben.* 1800 *R.* 7. § 4. *C* 1.

17. And shall not be received in evidence till stampt. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 1.

18. Unstampt receipts produced to the Collector within sixty days, after the execution of them, with five times the duty, may be sent to the Superintendent to have the proper stamp affixed, and shall then be admissible in evidence *Beng. Ben.* 1800 *R* 7. § 6 *C.* 2.

19 And if produced after sixty days with ten times the duty. *Beng. Ben* 1800 *R.* 7 § 6 *C* 3.

20. But the Board of Revenue, on report of the Collector, may remit the penalty if ignorance be evident *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 4.

21. The party bound to execute the receipt shall furnish the paper. *Beng Ben.* 1800 *R* 7. § 9.

22. Persons executing, or causing to be executed, an unstampt receipt, shall be fined ten times the duty exclusive of the penalty payable by the holder of the receipt; but the Court may remit the penalty if ignorance be evident. *Beng. Ben.* 1800 *R.* 7. § 7.

23. Evasions of the duty by executing two or more receipts for portions of a sum total may be heavily punished. *Beng. Ben* 1800 *R.* 7. § 8.

I. JUDICIAL DEPARTMENT.

1. Two native Record-keepers are to be appointed for the custody of the civil and criminal records in each Zillah and City Courts, and Provincial Court of Appeal, and Court of Circuit, under the Sudder Dewanny and Nizamut Adaluts. *Beng.* 1793 *R.* 18 § 2. ext. *Ben.* 1795 *R.* 18. § 2 *Ced. Prov.* 1803 *R.* 13. § 2.

2. Their office is not hereditary, but they are not to be removed except for misconduct proved to the satisfaction of Government. *Beng.* 1793 *R.* 18. § 3. ext. *Ben.* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 3.

3. The Record-keepers are to keep a register of all judicial documents in a book which is to be paged by the register of the Court. *Beng.* 1793 *R.* 18. § 4. ext. *Ben.* 1795 *R.* 18. § 2 *Ced. Prov* 1803 *R.* 13. § 4.

4. They are to endorse on every paper registered the page in which it is registered. *Beng* 1793 *R* 18. § 5 ext. *Ben* 1795 *R* 18. § 2 *Ced. Prov.* 1803 *R* 13. § 5

5. They are to preserve carefully all records from damp and insects, and not permit their removal without orders *Beng.* 1793 *R* 18. § 6 ext. *Ben.* 1795 *R* 18 § 2 *Ced. Prov.* 1803 *R* 13. § 6

6. If any records be destroyed through their negligence, or not forthcoming, they shall be dismissed. *Beng.* 1793 *R.* 18 § 7 ext *Ben.* 1795 *R.* 18 § 2 *Ced Prov* 1803 *R.* 13 § 7.

7. They shall attend to all rules prescribed by a Regulation, and all orders of the Court relative to their charge. *Beng.* 1793 *R.* 18. § 8. ext. *Ben.* 1795 *R.* 18 § 2. *Ced. Prov.* 1803 *R* 13. § 8

8. A diary in a native language is to be kept by Zillah and City Courts, in which shall be minuted every order and proceeding of the Court in each cause, and all pleadings, depositions and exhibits, with marks of reference corresponding to marks which shall be endorsed on the originals. *Beng.* 1793 *R.* 18. § 9. ext. *Ben.* 1795 *R.* 18 § 2 *Ced. Prov.* 1803 *R.* 13. § 9.

9. By the Provincial Courts of Appeal. 1793 *R.* 18. § 13. ext. *Ben.* 1795 *R.* 18 § 2. *Ced. Prov.* 1803 *R.* 13 § 12.

10. By the Sudder Dewanny Adalut. *Beng.* 1793 *R.* 18. § 17. ext. *Ben.* 1795 *R.* 18. § 2 *Ced. Prov.* 1803 *R.* 13. § 16.

11. A complete record of all the cases to be kept in Zillah and City Courts with all the above papers set out at length in the original language, and translated into Persian.

[illegible]

paper. [illegible]

10. [illegible] 1793 [illegible] 17. § [illegible]

12. [illegible] 1793 R. [illegible]

R. 18. [illegible]

13. [illegible] Sudder Dewanny Adawlut. 1793 R. 18. § 15. [illegible]

14. Copies, referred in [illegible] Collector [illegible] original papers transmitted [illegible] cial Court of Appeal on any suit appealed, are to be deemed records of the [illegible] received in evidence in any other Court. *Beng.* 1793 R. [illegible] § 13. [illegible] § 6. *Cod. Prov.* 1803 *R.* [illegible] § 13.

15. And similar copies referred by a Provincial Court of Appeal, of the papers in a cause appealed to the Sudder Dewanny Adawlut. *Beng.* 1793 *R.* 6. § 12. [illegible] 1795 *R.* 10. § 2. *Cod. Prov.* 1803 *R.* 9. § 11.

16. The Nizamut Adawlut are to keep a regular diary of their proceedings. 1793 *R.* 9. § 68.

17. Records and papers of all causes relating to Mudgurrow lands transferred from one Zilla to another are to be sent, by the Zilla Court and Provincial Court of Appeal, to the other Zilla Court or other Court of Appeal to which they shall then become annexed. *Beng.* 1793 *R.* 48. § [illegible] *Cod. Prov.* 1803 *R.* 42. § 28.

18. The time for Lakhiraj lands transferred. *Beng.* 1793 *R.* 19. § 35. *R.* 39. § 30. *Ben.* 1795 *R.* 41. § 35. *R.* 48. § 30. *Cod. Prov.* 1803 *R.* 31. § 30. *R.* 36. § 30.

19. The record required by Sections 10 and 14, Regulation 18 of 1793, is discontinued. *Beng. Ben.* 1798 *R.* 3. § 16. A. D. 1798

20. Copies of judicial papers for record, or for transmission to other offices, need not be on stampt paper. *Beng. Ben.* 1800 *R.* 17. § 18. *Cod. Prov.* 1803 *R.* 42. § 35. *C.* 4. A. D. 1800

21. Proceedings of the Sudder Dewanny and Nizamut Adawluts need not be kept in English nor copied for transmission to the Court of Directors. 1801 *R.* 2. § 16. A. D. 1801

22. The rules of Sections 5 to 9, Regulation 3 of 1793, for the appointment and removal of the native officers, are [illegible] applicable to the Record-keepers of the Courts of Judicature. *Beng. Ben.* [illegible] 1802 *R.* 5. § 12. A. D. 1802

23. The papers and records of [illegible] and depending causes [illegible] comprised in the jurisdiction of the [illegible] of Zilla [illegible] four Pergunnas, shall be transmitted to the Judge of the Zilla [illegible] of Zilla [illegible] *Beng.* [illegible] *R.* 17. § 4. A. D. 1806

24. [illegible] papers and records of all [illegible] and [illegible] the [illegible] Zilla, Subordinate [illegible] transmitted [illegible] Cod. Prov. 1806 R. 14. § [illegible]

II. REVENUE DEPARTMENT.

1. An office is established in each Zilla for keeping all records in a native language relating to the public revenue. *Beng.* 1793 R. 21. § 2. ext. *Ben.* 1795 R. 30. § 2. *Ced. Prov.* 1803 R. 23. § 2.

2. It is to be superintended by two native Record-keepers who shall be appointed by the Governor General in Council, and not removed but for misconduct proved to the satisfaction of Government; the office however is not hereditary. *Beng.* 1793 R. 21. § 3. ext. *Ben.* 1795 R. 30. § 2. *Ced. Prov.* 1803 R. 23. § 3.

3. The Record-keepers are to keep a register of all revenue documents in a book which is to be paged by the Judge of the Zilla. *Beng.* 1793 R. 21. § 4. ext. *Ben.* 1795 R. 30. § 2. *Ced. Prov.* 1803 R. 23. § 4.

4. They are to endorse on every paper registered the page in which it is registered. *Beng.* 1793 R. 21. § 5. ext. *Ben.* 1795 R. 30. § 2. *Ced. Prov.* 1803 R. 23. § 5.

5. They are to preserve carefully all records from damp and insects, and not permit their removal without orders. *Beng.* 1793 R. 21. § 6. ext. *Ben.* 1795 R. 30. § 2. *Ced. Prov.* 1803 R. 23. § 6.

6. If any records be destroyed through their negligence, or not forthcoming, they shall be dismissed. *Beng.* 1793 R. 21. § 7. ext. *Ben.* 1795 R. 30. § 2. *Ced. Prov.* 1803 R. 23. § 7.

7. They shall attend to all rules prescribed by a Regulation and all orders of the Collector relative to their charge. *Beng.* 1793 R. 21. § 8. ext. *Ben.* 1795 R. 30. § 2. *Ced. Prov.* 1803 R. 23. § 8.

8. Collectors of Revenue are to keep a diary of all official transactions in the English or a native language, recording and attesting them at the time. *Beng.* 1793 R. 2. § 6. *Ben.* 1795 R. 5. § 5. *Ced. Prov.* 1803 R. 25. § 5.

9. And are to be careful that the records of the Zilla be duly preserved. *Beng.* 1793 R. 2. § 20. *Ben.* 1795 R. 5. § 20. *Ced. Prov.* 1803 R. 25. § 19.

10. The Board of Revenue are to keep regular minutes of proceedings. 1793 R. 2. § 51.

11. And shall submit to the Governor General in Council on the 30th of each month, a set of the preceding month's proceedings, with index and appendix; and,

[illegible] such [illegible] for [illegible] mission to [illegible] 2. § 64.

12. [illegible] records, complete, and [illegible] merical [illegible] of all records [illegible] proceedings. *Beng.* [illegible]

13. [illegible] of the Board, [illegible] President, is to have copies of [illegible] cords, [illegible] of his [illegible] ; [illegible] any other of the Board to have [illegible] papers. 1793 [illegible]

14. The Members are to attend at the office of the Board to consult the records, but, with consent of the Board, the originals may be sent to a Member's house; [illegible] Secretary recording a memorandum of their delivery and return. 1793 R. [illegible]

15. The President may have copies, or the originals, the Secretary similarly recording the delivery and return. 1793 R. 2. § 68.

16. Receipts of Collectors for payments of revenue are to be attested, numbered and registered by the Record-keepers, and a copy of the register is to be sent monthly, or when required, to the Board of Revenue; Tehsildars are to send a similar register of receipts to the Collector monthly or when required. *Beng.* 1793 R. 2. § 25. *Bren.* 1795 R. 5. § 23. *Ced. Prov.* 1803 R. 25. § 24.

17. The Record-keepers are to keep a register of receipts for salaries duly paid by the Collectors, to be sent annually to the Board. *Beng.* 1793 R. 2 § 26. *Ben.* 1795 R. 5 § 24. *Ced. Prov.* 1803 R. 25. § 26.

18. Copies of revenue papers for record, or for transmission to other offices, need not be on stampt paper. *Beng.* Reg. 1800. R. 7. § 18. *Ced. Prov.* 1803 R. 25. § 15. C. 4.

19. Collectors are to receive charge of the Mofussil Canongo records, and may sue for them by the process of Section 16, Regulation 2 of 1794; and shall send a list of them to the Board, and be careful in their preservation: the Board is to require all records from the Sudder Canongoes and their Naibs, and submit a list to Government, with their opinion on the future disposal of them. *Beng. Bren.* 1795 R. 5. § 27.

20. The rules of Section 5 to 9, Regulation [illegible] of 1803, on the appointment and removal of the [illegible] are to [illegible] the Record-keepers of the Collectorships. *Bareilly.* [illegible]

REGISTRARS OF COURTS.

[illegible] CONDUCT.

A. D. 1793. [illegible] Com- [illegible] in Council, [illegible] an oath of

A. D. 1793 office in open Court before the Judge or Judges of the Court. *Beng.* 1793 *R.* 13. § 3. *C.* 1 ext *Ben.* 1795 *R.* 12. § 2 *Ced. Prov* 1803 *R.* 12 § 3 *C.* 1.

2. The Register of the Sudder Dewannee Adaulut is to take a separate oath in his capacity of Register to the Nizamut Adaulut. 1793 *R.* 9 § 70 *R.* 13 § 3. *C.* 2

3 And Registers of the Provincial Courts of Appeal, in their capacity of Registers to the Circuit Court. *Beng* 1793 *R* 13. § 2 *C* 2 *R* 9 § 25 ext. *Ben.* 1795 *R* 12. § 2. *R.* 16 § 22. *Ced Prov.* 1803 *R* 12 § 3 *C.* 2. *R.* 7 § 6.

4 Loans by Registers to landholders &c are not recoverable in the Civil Courts. *Beng* 1793 *R* 38 § 2. *Ben.* 1795 *R* 48 § 2 *Ced Prov* 1803 *R* 13 § 2

Modified 1806 R 12 § 3 & 14

5 Neglect or misconduct in Registers, other than corruption, shall be reported by the Court to the Sudder Dewannee Adaulut or Nizamut Adaulut respectively *Beng* 1793 *R* 13. § 10 ext *Ben* 1795 *R.* 12 § 2 *Ced Prov* 1803 *R* 12 § 13

Rescinded 1806 R 12 § 3 &c

6 For corruption and extortion, Registers are amenable to the Court to which they are attached, and such charges shall be received by the Court if preferred on oath with security. *Beng* 1793 *R* 13 § 9 *C.* 1. ext *Ben.* 1795 *R* 12 § 2 *Ced Prov.* 1803 *R* 12 § 12 *C* 1.

ditto

7 Such charges, similarly preferred against the Register of a Zilla or City, may be received by the Provincial Court of Appeal on proof of application to and refusal by the Court, or, without such proof, if for a matter depending in or decided by the Provincial Court of Appeal, and may be referred to the original Court for trial *Beng.* 1793 *R* 13 § 9 *C* 4. ext *Ben.* 1795 *R.* 12 § 2. *Ced Prov* 1803 *R.* 12 § 12. 4.

ditto

8 Or the Provincial Court may state objections to the Sudder Dewannee Adaulut against the charge being tried by the Zilla Court, and the Sudder Dewannee Adaulut may, in their discretion, order that the charge be tried in the Zilla Court or in the Provincial Court of Appeal. *Beng* 1793 *R.* 13. § 9 *C.* 6. ext *Ben.* 1795 *R* 12. § 2. *Ced. Prov* 1803 *R.* 12 § 12 *C.* 6

ditto

9. And, if similarly preferred, may be received by the Sudder Dewannee Adaulut and referred for trial to the original Court or the Provincial Court, on further proof of application to, and refusal by, the Provincial Court of Appeal, or without such proof, if for a matter pending or decided in the Sudder Dewannee Adaulut. *Beng* 1793 *R.* 13 § 9 *C* 3. ext. *Ben.* 1795 *R.* 12. § 2. *Ced Prov* 1803 *R.* 12. § 12. *C* 3.

ditto

10 Such charges, similarly preferred against a Register of a Provincial Court of Appeal, may be received by the Sudder Dewannee Adaulut, and referred to the Provincial Court for trial. *Beng.* 1793 *R.* 13. § 9 *C.* 2. ext. *Ben.* 1795 *R.* 12 § 2 *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 2.

11.

11. The Sudder Dewannee Adaulut may in their discretion try such charges themselves, or refer to a Provincial Court a charge against the Register of a Zilla or City Court. *Beng.* 1793 *R.* 13. § 9. *C.* 5. ext *Ben* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 5. A. D. 1793 Regulation 1803 R. 43.

12 Such charges are to be tried as civil suits in the Civil Courts. *Beng.* 1793 *R.* 13 § 9 *C.* 7 ext *Ben* 1795 *R.* 12 § 2 *Ced Prov* 1803 *R* 12 § 2. *C.* 7. ditto

13 A Register convicted of such a charge shall be adjudged to refund the amount received, and pay a treble fine to Government; and the decree, if not appealed, or when finally confirmed in appeal, shall be sent within one week to the Governor General in Council, who will, in his discretion, dismiss him from office, and suspend him the service, and may suspend him from office during the inquiry. *Beng.* 1793 *R* 13 § 9 *C* 8 ext *Ben* 1795 *R.* 12 § 2. *Ced Prov* 1803 *R.* 12. § 12 *C* 9. ditto

14 A Register, acquitted of such charge, may sue the accuser for damages. *Beng* 1793 *R.* 13 § 9 *C.* 12 ext *Ben* 1795 *R.* 12. § 2. *Ced. Prov* 1803 *R.* 12 § 12 *C* 12 ditto

15 And the decree of acquittal shall be sent in one week to the Governor General in Council *Beng* 1793 *R* 13 § 9. *C.* 9 ext. *Ben* 1795 *R* 12 § 2 *Ced Prov* 1803 *R* 13 § 12 *C* 9 ditto

16 All decisions on such charges whether for conviction or acquittal, and whatever be the amount, are appeallable to the Sudder Dewannee Adaulut. *Beng* 1793 *R* 13 § 9 *C* 11 ext *Ben* 1795 *R* 12 § 2. *Ced Prov* 1803 *R* 12 § 12 *C.* 11 ditto

17 Process on a Register on such a charge is to be sent in a sealed cover to his address, and returned by him with an endorsed acknowledgment. *Beng.* 1793 *R* 13. § 9. *C.* 10 ext *Ben* 1795 *R.* 12. § 2 *Ced Prov* 1803 *R* 12. § 12 *C.* 10 ditto

18 Registers of the Civil Courts, filing any pleadings not written on the required stampt paper, are liable to be dismissed from office. *Beng. Ben.* 1797 *R* 6 § 17 *C.* 11 *Ced Prov* 1803 *R.* 43 § 13 *C* 9 A. D. 179

19 Also furnishing or allowing to be furnished any copy of a judicial paper not on the required stampt paper. *Beng. Ben.* 1797 *R* 6 § 18 *C* 4. *Ced Prov.* 1803 *R.* 43 § 15. *C.* 3

20. On report to the Sudder Dewannee Adaulut of misconduct or neglect in Registers of the Civil Courts, the Sudder Dewannee Adaulut may, after necessary inquiry, report the case to the Governor General in Council, or admonish the party. *Beng. Ben.* 1801 *R.* 2. § 7. *Ced. Prov.* 1803 *R.* 5. § 28. A. D. 1801

A. D. 1801. 21. And the Nizamut Adaulut, on report of negligence in Registers of the Criminal Courts. *Beng. Ben.* 1801 *R.* 2. § 14. *Ced. Prov.* 1803 *R.* 8. § 24.

A. D. 1806 22. Such parts of Section 9, Regulation 13 of 1793, and Section 12, Regulation 12 of 1803, as relate to charges of corruption against any officers of the Civil or Criminal Courts being covenanted servants of the Company, are rescinded. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 3.

23. When a charge of corruption &c. against the Register or Assistant of a City or Zilla Court, civil or criminal, of a Provincial Court of Appeal and Circuit, or of the Sudder Dewannee and Nizamut Adauluts, is presented to the Court to which he belongs or to a Superior Court, the Court receiving such a charge shall transmit it, with an English translation, to the Governor General in Council. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 4.

24. On receipt of such petition, or of any information communicated directly to Government, the Governor General in Council will call for any explanation, or make any previous inquiry deemed proper; and, if it should appear necessary, will refer the charge for trial to any of the established Courts, or to a special commission consisting of one or more of the Judges of such Courts, or any other persons. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 5.

25. On such charge being referred for trial, the accused shall be suspended from office and salary; but, on his acquittal, the Governor General in Council will order payment thereof from the date of his suspension. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 8.

26. Security shall not be demanded in the first instance for the prosecution of any such charge; but may be required, if deemed necessary, during the inquiry. *Beng. Ben. Ced. Prov.* 1806 *R.* 10. § 10.

II. *MINISTERIAL DUTIES.*

A. D. 1793 1. Registers are to perform all official acts prescribed to them by the Judges. *Beng.* 1793 *R.* 13. § 5. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 5.

2. They are to procure all acts of the Court to be executed after the rising of the Court, with the assistance of their Assistants and of the native officers, and in the manner prescribed by the Court. *Beng.* 1793 *R.* 13. § 8. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 11.

3. Provincial Courts of Appeal may direct their Register to take the depositions of witnesses in presence of parties or their Vakeels, or in their absence if they do not attend after due notice. *Beng.* 1793 *R.* 5. § 18. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4 § 18.

4. Also the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 16. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 16. 4. D. 1798

5. If a defendant neglect or refuse to rejoin at the time appointed, the Register shall enter a rejoinder for him. *Beng.* 1793 *R.* 4. § 5. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 5.

6. Processes of Provincial Courts of Appeal are to be signed by the Register. *Beng.* 1793 *R.* 5. § 15. ext. *Ben.* 1795 *R.* 6. § 9. *Ced. Prov.* 1803 *R.* 4. § 15.

7. And of the Sudder Dewannee Adaulut. 1793 *R.* 6. § 13.

8. The Register of a Provincial Court of Appeal is to number, mark, date and sign all pleadings, depositions and exhibits, and attest the copies of the decrees. *Beng.* 1793 *R.* 5. § 29. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 29.

9. And the Register of the Sudder Dewannee Adaulut. 1793 *R.* 6. § 28.

10. The Register is to enter in a book all causes for the trial of which a day may have been fixed; and shall, on the day fixed, call on the causes for trial in the order of their entry. *Beng.* 1793 *R.* 4 § 19. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 20.

11. He is to endorse on decrees the date of their being delivered to the parties; or, if the parties omit to take them, a note of nondelivery. *Beng.* 1793 *R.* 4. § 26. ext. *Ben.* 1795 *R.* 8. § 2 *Ced. Prov.* 1803 *R.* 3. § 27.

12. The Register of the Court of Circuit is to accompany the division of the Court superintended by the first Judge. *Beng.* 1793 *R.* 9. § 41. Modified 1794 R. 7 § 3

13. The Register is to transmit processes on Revenue Collectors in a sealed cover superscribed with his official signature and addressed to the Collector. *Beng.* 1793 *R.* 14. § 38. *Ben.* 1795 *R.* 6. § 44. *Ced. Prov.* 1803 *R.* 27. § 41.

14. Similarly for Salt Agents. *Beng.* 1793 *R.* 29. § 23.

15. And Commercial Residents. *Beng.* 1793 *R.* 31. § 19. *Ced. Prov.* 1803 *R.* 37. § 19. ext. *Ben.* 1805 *R.* 4. § 2.

16. And he shall deliver to the Vakeel of the Collector any sealed instructions which the Collector may transmit under cover to him, and shall superscribe officially all letters which the Vakeel of the Collector may transmit to his principal. *Beng.* 1793 *R.* 14 § 39. *Ben.* 1795 *R.* 6. § 45. *Ced. Prov.* 1803 *R.* 27. § 42.

17. Similarly for Salt Agents. *Beng.* 1793 *R.* 29 § 30.

18. And Commercial Residents. *Beng.* 1793 *R.* 31. § 24. *Ced. Prov.* 1803 *R.* 37. § 24. ext. *Ben.* 1805 *R.* 4. § 2.

A. D. 1793 19. The Register is appointed to the superintendence of the Registry of deeds in each Zilla and city, first taking an oath before the Judge. *Beng.* 1793 *R.* 36. § 2. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 2.

20 In case of absence, sickness, &c. he may, with leave of the Judge, appoint a covenanted servant to act as his deputy, who shall take the same oath. *Beng.* 1793 *R.* 36. § 15. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 15.

21. The Register is to act as Agent for the prosecution against any person counterfeiting or falsifying any entry in the books or in any certificate of registry; and is to adopt every legal measure for the proof of the crime. *Beng.* 1793 *R.* 36. § 12. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 12.

22. The Register is to attest by his official signature every leaf of the book in which the native Record-keepers register all Dewannee documents and is to specify on the last page the number of pages contained in the book. *Beng.* 1793 *R.* 18. § 4. ext. *Ben.* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 4.

23. The Register is to furnish the Collector with all particulars of transfers of landed property which may be entered in the registry of deeds. *Beng.* 1793 *R.* 48. § 24. *C.* 7. *Ben.* 1795 *R.* 19. § 22. *C.* 7. *Ced. Prov.* 1803 *R.* 42. § 24. *C.* 7.

24. The Register of the Nizamut Adaulut is to transmit copies of the Court's sentence to the Court of Circuit in three days or sooner if practicable. *Beng.* 1793 *R.* 9. § 78. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 13.

A. D. 1794 25. The Register of the Court of Circuit is to accompany the division of the Court attended by the Cazee: but the Courts may order the Register to remain at the Sudder station during the circuit. *Beng.* 1794 *R.* 7. § 3. *Ben.* 1795 *R.* 16. § 14.

A. D. 1795 26. The Register is to transmit processes on the Custom Masters in a sealed cover to their address. *Beng.* 1795 *R.* 39. § 25. ext. *Ben.* 1801 *R.* 10. § 29 *Ced. Prov.* 1804 *R.* 11. § 44.

27. And is to receive and forward letters between them and their pleaders. *Beng.* 1795 *R.* 39. § 30. ext. *Ben.* 1801 *R.* 10. § 29. *Ced. Prov.* 1804 *R.* 11. § 49.

28. The Register of the Sudder Dewannee Adaulut is to lay before the Court, on the last day of each month, a report on the abstract registers, for the preceding month, of causes decided in Zilla and City Courts. *Beng. Ben.* 1795 *R.* 37. § 2. *Ced. Prov.* 1805 *R.* 13. § 18.

29. And in Provincial Courts of Appeal. *Beng. Ben.* 1795 *R.* 37. § 3. *Ced. Prov.* 1803 *R.* 13. § 19.

30.

30. And on the 15th February and 15th August, on the half yearly reports of undecided causes from Zilla and City Courts. *Beng. Ben.* 1795 *R.* 37. § 4. *Ced. Prov.* 1803 *R* 13. § 20. A. D. 1795

31. And from Provincial Courts of Appeal. *Beng. Ben.* 1795 *R.* 37. § 5. *Ced. Prov.* 1803 *R.* 13. § 20.

32. And shall notice any deficient reports, and the reasons alleged for the deficiency. *Beng. Ben.* 1795 *R.* 37. § 6. *Ced. Prov* 1803 *R.* 13. § 22.

33. The Register of the Nizamut Adaulut is to transmit in six days, to the Bhaugulpoor Magistrate, sentences of the Nizamut Adaulut on prisoners tried by the assembly of hill chiefs. *Beng.* 1796 *R.* 1. § 15. A. D. 1796

34. The Register of the Sudder Dewannee Adaulut is not to deliver the copy of the proceedings in appeals to the King in Council to a party, until payment of the expense incurred in making it. *Beng. Ben.* 1797 *R.* 16. § 5. *Ced. Prov.* 1803 *R.* 5. § 34. A. D. 1797

35. Registers of Provincial, City and Zilla Courts, are to make all translations required from the Courts as far as their other duties will permit; should they not be able to make them within the prescribed period, the Court shall report the circumstance to the Sudder Dewannee Adaulut, with information of the further time required; if the Sudder Dewannee Adaulut authorize the employment of any other persons, the Register must revise and countersign the translation, and will be held responsible for its accuracy. *Beng. Ben.* 1797 *R* 19. § 4.

36. And is to certify its due completion on the person's bill for the expense. *Beng. Ben.* 1797. *R.* 19. § 5.

37. The Register is to transmit processes on an Opium Agent in a sealed cover to his address. *Beng Ben.* 1799 *R.* 6 § 30. A. D. 1799

38. And is to receive and transmit letters from him to his pleader, and vice versa. *Beng. Ben.* 1799 *R.* 6. § 35.

39. Petitions and applications to the Register for registering deeds under Regulation 36 of 1793, and copies of deeds furnished by a Register under the above Regulation, are to be on stampt paper supplied by the party. *Beng. Ben.* 1800 *R.* 7. § 24. A. D. 1800

40. Processes of the Sudder Dewannee Adaulut are to be signed by the Register under such instructions as the Court may prescribe for his guidance, under Section 5, Regulation 13 of 1793. 1801 *R.* 2, § 6. A. D. 1801

41.

A. D. 1801 41. The Register of the Sudder Dewannee and Nizamut Adauluts is to make all translations required by the Court, as far as his other avocations permit. 1801 *R.* 2. § 17.

A. D. 1802 42. When the Dacca Court of Appeal is formed into two Courts, the Register shall attend the first Court, and his senior Assistant shall officiate as Register to the second Court. *Beng.* 1802 *R.* 4. § 3.

A. D. 1803 43. Judges, after signing the order of reference to a Commissioner, may authorize their Registers to sign any other necessary process in causes so referred, and to sign and issue any process of Court to which the signature of the Judge is not specially required. *Beng. Ben.* 1803 *R* 49. § 20 *Ced. Prov.* 1805 *R.* 8. § 17. *C.* 2.

44. Judges may employ their Registers in taking down the depositions of witnesses, provided they be taken in open Court, in presence of the parties or their pleaders, who shall attest them; if any dispute arise in the course of the examination, reference shall be made to the Judge. *Beng. Ben.* 1803 *R.* 49. § 21. *C* 1. *Ced. Prov.* 1805 *R.* 8. § 17 *C.* 3.

A. D. 1806 45. The Register of the Zilla or City Court, when a commission is held for the trial of a charge of corruption against a revenue or commercial servant of the Company, is to act as Agent for the prosecution under the orders of the Boards of Revenue or Trade. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 10.

46. And on any similar charge against a judicial servant under the orders of the Committee appointed to conduct the prosecution. *Beng. Ben. Ced. Prov.* 1806 *R.* 10 § 9.

III. *JUDICIAL DUTIES.*

A. D. 1793 1. Registers are not to exercise the powers of the Judge during his temporary absence or indisposition or the vacancy of the office, without the express sanction of Government; nor any judicial or other powers except authorized by a Regulation. *Beng.* 1793 *R.* 13. § 7. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 17

Re-enacted 1803 R 1 § 3 and in Benares 1795 R. 54 § 2 C. 1

2. Registers of Zillas and cities may be empowered by the Judge to try suits not exceeding 200 Rupees personal property, 200 Rupees produce of Malguzaree land, twenty Rupees produce of Lakheraj land; Registers shall try such suits in open Court when the Judge is not sitting; but the decision of the Register shall not be considered valid unless countersigned by the Judge in token of his approbation. *Beng.* 1793 *R.* 13. § 6. ext. *Ben.* 1795 *R.* 12. § 2.

3. Causes, depending before a native Commissioner, may be brought up by the Court's order for trial before the Register. *Beng.* 1793 *R.* 40. § 25. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 23.

4. And causes dismissed for default or tried ex parte by a Commissioner. *Beng.* 1793 *R.* 40 § 9. *C.* 9 ext. *Ben.* 1795 *R.* 31. § 2. *Cod. Prov.* 1803 *R.* 16. § 7. *C.* 9. A. D. [illegible]

5. Courts of Appeal are not empowered to authorize their Register to try and decide appeals. *Beng.* 1793 *R.* 13. § 6. ext. *Ben.* 1795 *R.* 12. § 2. Re-enacted 1794 R. 8 § [illegible]

6. Section 6, Regulation 13 of 1793, is rescinded. *Beng.* 1794 *R.* 8. § 2. *Ben.* 1795 *R.* 53. § 2. *C.* 1. A. D. 1794

7. Judges of the Zilla and cities may refer to their Registers, for trial and decision, suits of the amount therein described. *Beng.* 1794 *R.* 8. § 3. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1 *Cod. Prov.* 1803 *R.* 12. § 6. Modified 1803 R. 40 § [illegible] C. 1

8. The decision of the Register is final in suits for personal property not exceeding twenty five Rupees; but the Judge may revise such decision, recording his reasons for the revision, and may pass such decree as he may deem equitable. *Beng.* 1794 *R.* 8. § 6. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Cod. Prov.* 1803 *R.* 12. § 9. ditto C. 3

9. The decision of the Register in all suits for real property, and in personal suits exceeding twenty five Rupees, are appealable to the Provincial Court of Appeal. *Beng.* 1794 *R.* 8. § 7. Modified 1795 R. 36 § [illegible]

10. Provincial Courts of Appeal are not authorized to empower their Registers to try & decide any appeals. *Beng.* 1794 *R.* 8 § 12 ext. *Ben.* 1795 *R.* 54. § 2. *C* 1.

11. In case of the absence, &c. of the Judge who should remain at the Sudder Station, the Governor General in Council may grant a special commission to the Register for executing all or part of such Judge's duties. *Beng.* 1794 *R.* 7. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 16. § 1.

12. The Register of the Benares City Court may be authorized by the Judge to try and determine any undecided appeals transmitted from the Resident's late Court of Appeals where the cause of action does not exceed 1000 Rupees; such decisions of the Register being further appealable to the Provincial Court of Appeal. *Ben.* 1795 *R.* 22. § 96. A. D. 1795

13. The appeal from decisions of Registers in real property and above twenty five Rupees personal property, is to be to the Judge. *Beng.* 1795 *R.* 36. § 3. *C.* 1. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Cod. Prov.* 1803 *R* 12. § 10. *C.* 1.

14. The institution fee on causes referred to the Register is to be paid to him on their being determined or adjusted by Razeenama. *Beng.* 1795 *R.* 38. § 3. *C.* 6. ext. *Ben.* 1795 *R* 60. § 2. Modified 1797 R. [illegible] § [illegible] C. 6

15. In case the office of Judge and Magistrate should devolve by death, indisposition or casualty, to the Register, he shall immediately report it to Government; and, till receipt A. D. 1796

A. D. 1796 ceipt of orders, exercise such part only of the Judge's or Magistrate's powers as may be indispensable for fulfilling the orders of the superior Courts, for preserving the peace of the district, or for such cases as will not admit of delay. *Beng. Ben.* 1796 *R.* 4. § 5 *Ced. Prov.* 1803 *R.* 12. § 15.

A. D. 1797 Rescinded Reg. R. 49 § 7 C. 1

16. A proportion only of the institution fee is to be paid to Registers on causes referred to them. *Beng. Ben.* 1797 *R.* 6 § 4. *C.* 6.

A. D. 1800 Rescinded 1803 R. 49 § 6 C. 4

17. The Judges of cities and Zillas may refer to their Registers appeals from the decisions of native Commissioners not exceeding twenty five Rupees; and the Register's decision thereon shall be final conformably to Regulation 8 of 1794. *Beng. Ben.* 1800 § 2. *Ced. Prov* 1803 *R.* 12. § 19.

18. The institution fee on such appeals shall be paid to the Register. *Beng. Ben* 1800 *R.* 3 § 3.

A. D. 1801

19. Registers may be required by the Judges to receive, and decide on the merits, appeals referred to them under Regulation 3 of 1800, which they shall have dismissed for default without investigation of the merits. *Beng. Ben.* 1801 *R.* 2. § 9. *Ced. Prov.* 1803 *R.* 4. § 12. *C.* 13.

A. D. 1803

20. A moiety only of the institution fee is to be paid to the Register. *Beng Ben.* 1803 *R.* 49. § 7. *C.* 1. *Ced. Prov.* 1803 *R* 43. § 4. *C.* 6.

21. But only on such suits as are determined on the merits of the case or adjusted by Razeenama, and not on suits dismissed on any ground of default or nonsuit. *Beng. Ben.* 1803 *R.* 49. § 7. *C.* 2. *Ced. Prov* 1803 *R.* 43 § 4. *C.* 5.

22. An acting Register shall receive the same proportion of fees on suits similarly determined or adjusted. *Beng. Ben.* 1803 *R.* 49. § 7. *C.* 3. *Ced. Prov.* 1803 *R.* 43. § 4. *C.* 6.

23. Section 6, Regulation 8 of 1794, making the Register's decision final as far as twenty five Rupees, is rescinded: all decisions of Registers may be appealed to the Judge, if the rules of Section 3, Regulation 36 of 1795, be conformed to. *Beng. Ben.* 1803 *R.* 49. § 6 *C* 3. *Ced. Prov.* 1805 *R.* 8 § 16. *C.* 3.

24. Regulation 3 of 1800, empowering Judges to refer to their Registers appeals from decisions of native Commissioners not exceeding twenty five Rupees, is rescinded; decisions of Registers already passed on such appeals, shall remain in force subject to the Judge's revision under Section 6, Regulation 8 of 1794; and such appeals, still pending, may in the Judge's discretion be decided by the Register, subject to a further appeal to the Judge, under Clause 3, Section 6 of this Regulation; or the Judge may try them himself, or direct a new trial. *Beng. Ben.* 1803 *R.* 49. § 6. *C.* 4. *Ced. Prov.* 1805 *R.* 8. § 16. *C.* 4.

25. The Judge may at any time recal suits pending before the Register, and try them himself; or refer them to a native Commissioner if so referrible. *Beng. Ben.* 1803 *R.* 49 § 6. *C* 5 *Ced. Prov.* 1805 *R.* 8. § 16. *C.* 5. A. D. 1803

26. And may refer for a trial de novo, to the Register, causes tried ex parte, or not sufficiently investigated by a Commissioner, subject to a further appeal without any additional fee. *Beng. Ben.* 1803 *R.* 49 § 22. *C.* 2.

27 Judges of Zillas and cities may refer to their Registers suits for personal property not exceeding 500 Rupees, for Malguzaree land not exceeding 500 Rupees annual produce, and Lakheraj land not exceeding fifty Rupees annual produce. *Beng. Ben* 1803 *R* 49. § 6. *C.* 1. *Ced. Prov* 1805 *R.* 8. § 16. *C.* 1.

28. In cases of the death &c. of the Judge and Magistrate, where an Assistant Judge has been appointed, the latter, if senior in service to the Register, shall take charge of the office under Section 5, Regulation 4 of 1736, and report to Government. *Beng. Ben.* 1 03 *R.* 49. § 5. *Ced. Prov.* 1805 *R.* 8. § 12. *C.* 10.

29 Judges, if unable from the urgency of other business before themselves or the Assistant Judge, to make with sufficient expedition the summary inquiries in matters of rents, dispossession, or unlicensed manufacture of liquor, may refer to the Register such as are of a referrible amount: but the Judge may in his discretion recal such references, or revise and amend the Register's decision. *Beng. Ben Ced. Prov.* 1805 *R.* 2. § 13 A. D. 1805.

30. Registers, vested with the authority of Judge during the Judge's absence, may conduct such inquiries *Beng. Ben. Ced Prov* 1805 *R.* 2 § 14. *C.* 1.

31. And a Register, not so vested, may nevertheless conduct such of these inquiries as require immediate attention; and may receive new suits, refer cases to the Commissioners, try suits referrible to himself, issue process and receive pleadings in suits cognizable by the Judge, and examine witnesses if urgent necessary to be taken. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 14. *C.* 2.

32. But shall not try any appeals from decisions of Commissioners unless specially authorized by the Governor General in Council; nor any appeal from decisions passed by themselves; which, on representation of either party, may be removed by the Provincial Court of Appeal to their own Court, and there tried as other appeals. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 14. *C.* 3.

IV. *FORMS OF PRACTICE.*

1. The Register is to sit three days in each week or oftener. *Beng.* 1794 *R.* 8. § 3. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 6. A. D. 1794

2.

A. D. 1794 2. Is to try the suits in open Court when the Judge is not sitting, or in some other part of the Cutchery when the Judge is sitting. *Beng.* 1794 *R.* 8. § 4. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 7.

3. Is to be guided by the same rules which are prescribed for the Judge. *Beng.* 1794 *R.* 8. § 5. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 8.

4. Processes in such suits are to be signed by the Register and executed by the officers of the Court like process in other suits. *Beng.* 1794 *R.* 8. § 8. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 20. *C.* 1.

5. Such suits are to be pleaded by the parties, or by the Vakeels appointed under Regulation 7 of 1793. *Beng.* 1794 *R.* 8. § 9. ext. *Ben.* 1795 *R.* 54. § 2. C. 1. *Ced. Prov.* 1803 *R.* 12. § 20. *C.* 2.

A. D. 1795 6. A petition of appeal from the decision of a Register is to be presented within thirty days to the Register or to the Judge; but the Judge may receive it after the prescribed time on good cause being shown for the neglect. *Beng.* 1795 *R.* 36. § 3. *C.* 2. ext. *Ben.* 1795 *R.* 54 § 2. *C.* 1. *Ced Prov.* 1803 *R.* 12. § 10. *C.* 2.

7. On the admission of an appeal, the petition, with the Judge's endorsed admission under his signature and the Court's seal, shall be sent to the Register, who shall transmit all the proceedings in the cause to the Judge. *Beng.* 1795 *R.* 36. § 3. *C.* 3. ext. *Ben.* 1795 *R.* 54 § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 10. *C.* 3.

Rescinded 1803 R. 4. § 5 C. 1 8. Decisions of Judges in personal suits appealed from the Register are final. *Beng.* 1795 *R.* 36. § 4. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 2. § 21.

A. D. 1802 9. Registers are allowed the same discretion as Judges in determining on the amount of security to be taken from defendants, and the proportion of costs to be levied from defendants in consequence of the plaintiff's inability to pay them. *Beng. Ben.* 1802 *R.* *R.* 3. § 4 *Ced. Prov.* 1803 *R.* 10. § 35. *R.* 14. § 7.

A. D. 1803 10. Judges may authorize the Register to cause the depositions of witnesses in causes referred to him, to be taken by the Assistant or any principal native officer; but the Register shall not exercise this power without a written authority of the Judge who may revoke it whenever he deems proper. *Beng. Ben.* 1803 *R.* 49. § 21. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 17. *C.* 4.

11. Appeals from the decisions of the Register may, in the Judge's discretion, be referred for trial to the Assistant Judge. *Beng. Ben.* 1803 *R.* 49. § 2. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 12. *C.* 2.

12. Section 4, Regulation 36 of 1795, declaring decisions of Judges in appeal from

from the Regiſter final as far as 200 Rupees perſonal property, is reſcinded. *Beng. Ben.* 1803 *R.* 49. § 8. *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 5. A. D. 1805

13. Deciſions of Judges in appeal from the Regiſters ſhall be final, if the property real or perſonal allowed, or diſallowed, do not exceed 100 Rupees; or the claim be for Malguzaree land not exceeding 100 Rupees, or Lakheraj land not exceeding ten Rupees, annual produce; or the Judge's decree confirm the Regiſter's deciſions though for a greater amount, whether real or perſonal, unleſs the Provincial Court of Appeal ſhould admit a ſpecial appeal. *Beng. Ben.* 1803 *R.* 49. § 8. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 6.

14. But if the Judge's decree, reverſing or altering the Regiſter's deciſion, allow or diſallow an amount or value exceeding 100 Rupees, or be in a claim to Malguzaree land exceeding 100 Rupees, or Lakheraj exceeding ten Rupees, annual produce, a further appeal ſhall lie to the Provincial Court of Appeal. *Beng. Ben.* 1803 *R.* 49. § 8. *C.* 3. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 7.

15. Regiſters are to be guided in the trial of ſuch further ſuits as the Judges are empowered to refer to them, by the rules of Regulation 8 of 1794, and by the general rules for the trial of civil ſuits. *Beng. Ben.* 1803 *R.* 49. § 6. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 16. *C.* 2.

16. Provincial Courts of Appeal are authorized to admit a ſpecial appeal from the deciſion of a Judge, in appeal from the deciſion of the Regiſter, in any caſe when the decree of the Judge ſhall appear erroneous or unjuſt on the face of it, or from any information before the Court, or when the nature of the cauſe ſhall appear of ſufficient importance to merit a further inveſtigation. *Beng. Ben.* 1803 *R.* 49. § 24. *C.* 1. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 2.

17. But the Provincial Courts of Appeal are to exerciſe this diſcretion with caution; nor ſhall it preclude the Judge from reviſing his own deciſion if the petition for ſuch review be preſented to him before a ſpecial appeal ſhall have been admitted. *Beng. Ben.* 1803 *R.* 49. § 24. *C.* 2. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 3.

18. The preſent limitation of appeals is not to affect appeals already filed, nor appeals from deciſions already paſſed. *Beng. Ben.* 1803 *R.* 49. § 25. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 4.

19. Deciſions of Zilla Judges in the Ceded Provinces in appeals from the deciſion of the Regiſter are final. *Ced. Prov.* 1803 *R.* 2. § 21.

20. The limitation of appeals to the Provincial Court of Appeal, from deciſions of Zilla Judges in the Ceded Provinces, in appeal from the deciſion of the Regiſter, is to be the ſame as in Regulation 49 of 1803 for Bengal &c. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 5. A. D. 1805

REGISTRY.

I. REGISTERS OF REVENUE ESTATES.

A. D. 1793

1. A register of all Malguzaree estates shall be formed every five years, by the Collectors of each Zilla. *Beng.* 1793 *R.* 48. § 2. *C.* 1. *Ben.* 1795 *R.* 19. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 42. § 2. *C.* 1.

2. By the term estate is understood any land for the revenue of which separate engagements have been entered into with Government. *Beng.* 1793 *R.* 48. § 2. *C.* 2. *Ben.* 1795 *R.* 19. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 42. § 2. *C.* 2.

3. The names of the estates are to be alphabetically arranged. *Beng.* 1793 *R.* 48. § 3. *Ben.* 1795 *R.* 19. § 3. *Ced. Prov.* 1803 *R.* 42. § 3.

4. The alphabetical arrangement is to be by the initial letter of the name of the estate, and not of its description, which shall be inserted after. *Beng.* 1793 *R.* 48. § 7. *C.* 1. *Ben.* 1795 *R.* 19. § 7. *C.* 1. *Ced. Prov.* 1803 *R.* 42. § 7. *C.* 1.

5. The present names are to be retained. *Beng.* 1793 *R.* 48. § 4. *Ben.* 1795 *R.* 19. § 4. *Ced. Prov.* 1803 *R.* 42 § 4.

6. And not varied on the change of proprietors. *Beng.* 1793 *R.* 48. § 5. *Ben* 1795 *R.* 19. § 5. *Ced. Prov.* 1803 *R.* 42. § 5.

7. Estates not yet named are to be named by the proprietors; or, in case of their not agreeing on the name, by the Collector. *Beng.* 1793 *R.* 48. § 6. *Ben.* 1795 *R.* 19. § 6. *Ced. Prov.* 1803 *R.* 42. § 6.

8. Fractional parts of an original estate are to retain the general name with the designation of the fraction. *Beng.* 1793 *R.* 48. § 7. *C.* 2. *Ben.* 1795 *R.* 19. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 42. § 7. *C.* 2.

9. But portions of an estate not forming a specific fractional part are to be named anew. *Beng.* 1793 *R.* 48. § 7. *C.* 3. *Ben.* 1795 *R.* 19. § 7. *C.* 4. *Ced. Prov* 1803 *R.* 42. § 7. *C.* 3.

Modified 1800 R. 8 § 12

10. The local divisions and villages of an estate are also to be alphabetically arranged, with the measurement of each village. *Beng.* 1793 *R.* 48. § 7. *C.* 5. *Ben.* 1795 *R.* 19. § 7. *C.* 4. *Ced. Prov.* 1803 *R.* 42. § 7. *C.* 5.

11. The revenue assessed on the estate is to be inserted in a separate column. *Beng.* 1793 *R.* 48. § 8. *Ben.* 1795 *R.* 19. § 8. *Ced. Prov.* 1803 *R.* 42. § 8.

12. And the names of the proprietors, and of the farmers if the estate be farmed. *Beng.* 1793 *R.* 48. § 9. *Ben.* 1795 *R.* 19. § 9. *Ced. Prov.* 1803 *R.* 42. § 9.

13.

13. If the estate do not comprise a whole Pergunna, the name of the Pergunna shall be also specified. *Beng.* 1793 *R.* 48. § 7. *C.* 6. *Ben.* 1795 *R.* 19. § 7. *C.* 3. *Ced. Prov.* 1803 *R.* 42. § 8.

14. Parts of an estate situated in different Zillas shall be registered as Kiftaun. *Beng.* 1793 *R.* 48. § 7. *C.* 4. *Ced. Prov.* 1803 *R.* 42. § 7. *C.* 4.

15. The register to be first formed shall commence with 1202; and, when that is completed, the register commencing with 1197; each of which, and every succeeding register, shall be numbered progressively. *Beng.* 1793 *R.* 48. § 10. *Ben.* 1795 *R.* 19. § 10. *Ced. Prov.* (for 1215 & 1210) 1803 *R.* 42. § 10.

16. Each register is to exhibit the estates as they stood at each period. *Beng.* 1793 *R.* 48. § 10. *Ben.* 1795 *R.* 19. § 10. *Ced. Prov.* 1803 *R.* 42. § 10.

17. The succeeding registers are to be formed from the preceding and from the entries of intermediate mutations. *Beng.* 1793 *R.* 48. § 19. *Ben.* 1795 *R.* 29. § 27. *Ced. Prov.* 1803 *R.* 42. § 29.

18. The register is to be written in a book of prescribed form. *Beng.* 1793 *R.* 48. § 12. *Ben.* 1795 *R.* 19. § 12. *Ced. Prov.* 1803 *R.* 42. § 12.

19. The form is to be prepared by the Board of Revenue, and not altered without the sanction of Government on the suggestion of the Board. *Beng.* 1793 *R.* 48 § 28. *Ben.* 1795 *R.* 19 § 26. *Ced. Prov.* 1803 *R.* 42. § 28. Modified 1800 R. [illegible]

20 Each leaf is to be paged and signed by the Judge, who shall attest the total number of leaves. *Beng.* 1793 *R.* 48. § 13. *Ben.* 1795 *R.* 19. § 13. *Ced. Prov.* 1803 *R.* 42. § 13.

21. As also a register of intermediate mutations, wherein every mutation in property is to be immediately noted with the Collector's signature, specifying the authority for it. *Beng.* 1793 *R.* 48. § 16. *Ben.* 1795 *R.* 19. § 16. *Ced. Prov.* 1803 *R.* 42. § 16. *C.* 1.

22. And there are to be notes of reference from one register to the other. *Beng.* 1793 *R.* 48. § 19. *Ben.* 1795 *R.* 19. § 17. *Ced. Prov.* 1803 *R.* 42. § 19.

23. The native record-keepers are to keep a counterpart, similarly paged, of the quinquennial register. *Beng.* 1793 *R.* 49. § 14. *Ben.* 1795 *R.* 19. § 14. *Ced. Prov.* 1803 *R.* 42. § 14.

24. And of the register of intermediate mutations. *Beng.* 1793 *R.* 48. § 20. *Ben.* 1795 *R.* 19. § 18. *Ced. Prov.* 1803 *R.* 42. § 20.

25. The counterparts in Bengal are to be kept in the Persian and Bengalee languages; and in Behar, in Persian and Hindoostanee. *Beng.* 1793 *R.* 48. § 15. *Ben.* (in Persian Modified 1800 R. [illegible]

Persian and Hindoostanee) 1795 R. 19. § 15. *Ced. Prov.* (in Persian) 1803 R. 42 § 15.

26. No alterations nor erasures are to be made in a quinquennial Register, but the correction of erroneous or incomplete entries shall be noted with the attestation of the Collector's signature in the register of intermediate mutations, with a reference thereto in the margin of the erroneous entry. *Beng* 1793 R 48 § 21. *Ben.* 1795 R. 19. § 19 *Ced. Prov.* 1803 R. 42. § 21.

27. The corrections of erroneous entries in the counterpart registers of intermediate mutations are to be attested by the Collector. *Beng.* 1793 R 48. § 22. *Ben.* 1795 R 19 § 20. *Ced Prov.* 1803 R. 42. § 22.

28 If the proprietary right in an estate be under litigation, the party in possession shall be registered as proprietor. *Beng.* 1793 R. 48. § 23 *Ben.* 1795 R. 19. § 21. *Ced. Prov.* 1803 R 42 § 23.

29. But the registry of any person as proprietor shall not bar any other person from suing for the same *Beng.* 1793 R. 48. § 30. *Ben.* 1795 R 19. § 28 *Ced. Prov.* 1803 R 42. § 44

30 If two estates devolving to one proprietor shall be united, the entry of it shall be made in the appropriate registers. *Beng* 1793 R. 25 § 6 ext *Ben* 1795 R 26. § 2 *Ced. Prov* 1803 R. 26. § 34.

31. Or if a joint estate be divided. *Beng.* 1793 R. 25 § 21. ext. *Ben.* 1795 R 26. § 2 *Ced Prov* 1803 R. 26. § 50.

32 The Collectors shall be furnished by the Zilla or City Courts with decrees relating to the proprietary right in land *Beng.* 1793 R. 48. § 24. C 2 *Ben.* 1795 R. 19. § 22 C 2. *Ced. Prov.* 1803 R. 42. § 24. C 2.

33. By the Board of Revenue with all particulars of public sales made at Calcutta. *Beng* 1793 R 48. § 24 C. 3 *Ben.* 1795 R. 19. § 22. C. 3. *Ced. Prov.* 1803 R. 42. § 24 C. 3.

34. By the parties to all private transfers with notice thereof *Beng.* 1793 R. 48. § 24. C. 6. *Ben.* 1795 R. 19. § 22. C 6. *Ced. Prov.* 1803 R 42 § 24. C. 6.

35. And by the Registers of Courts with notice of all transfers entered in their registers. *Beng.* 1793 R. 48 § 24 C 7 *Ben.* 1795 R. 19. § 22. C. 7. *Ced. Prov.* 1803 R. 42 § 24. C. 7.

36. Their own office will furnish the particulars of public sales made by themselves. *Beng.* 1793 R. 48. § 24. C. 4. *Ben.* 1795 R. 19. § 22. C. 4. *Ced. Prov.* 1803 R. 42. § 24. C. 4.

37.

37. And of the divisions of [illegible] under their [illegible]. *Beng.* 1793 *R.* 48. § 24. *C.* 5. *Ben.* 1795 *R.* 19. § 22. *C.* 5. *Ced. Prov.* 1803 *R.* 42. § 24. *C.* 5.

38. Should landholders or farmers refuse any information required from them, Government will fine such persons, on their refusal being reported to Gov[illegible] by the Board. *Beng.* 1793 *R.* 48. § 25. *Ben.* 1795 *R.* 19. § 23. *Ced. Prov.* 1803 *R.* 42. § 25.

39. When lands have been sold in satisfaction of decrees of the Civil Courts, the entries of the transfer are to be made in the appropriate registers. *Beng.* 1793 *R.* 48. § 18. *Ben.* 1795 *R.* 20. § 18. *Ced. Prov.* 1803 *R.* 26. § 27.

40. Extracts from the registers are to be sent to the Collector of the other Zilla, when Mehals are transferred from one Zilla to another. *Beng.* 1793 *R.* 48. § 17. *Ced. Prov.* 1803 *R.* 42. § 17.

41. Also to the Courts of both Zillas and to the Provincial Court of Appeal, who shall transfer the papers of all causes which may thereby become cognizable in the other Zilla or Provincial Court of Appeal. *Beng.* 1793. *R.* 48. § 18. *Ced Prov.* 1803 *R.* 42. § 18.

42. The registers when completed, and quarterly copies of the intermediate entries, are to be sent to the Board, to Zilla Courts, and to Provincial Courts of Appeal. *Beng.* 1793 *R.* 48. § 26. *Ben.* 1795 *R.* 19. § 24. *Ced. Prov.* 1803 *R.* 42. § 26. *C.* 1. Modified 1800 *R.* 8. § 18

43. By whom, and by the Collectors, they shall be carefully preserved. *Beng.* 1793 *R.* 48. § 27. *Ben.* 1795 *R.* 19. § 25. *Ced. Prov.* 1803 *R.* 42. § 27. ditto

44. The Board is to furnish a copy thereof to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 48. § 26. *Ben.* 1795 *R.* 19. § 24. ditto

45. The first periodical register to be formed of landed property in Cuttack shall commence with 1216; and every register is to exhibit the estates as they stand at each period. 1805 *R.* 12. § 10. A. D. 1805

46. The register commencing with 1211 shall be next formed; and every register shall be numbered in progressive order. *Beng.* 1805 *R.* 12. § 11.

II. *REGISTERS OF RENT-FREE LANDS.*

1. A register of rent-free lands, Badshahee or others, shall be formed every five years by the Revenue Collector in each Zilla. It is to contain the denomination and date of the grant, the name and measurement of the land granted, the name of the Pergunna, Sirkar and Soobah wherein situated, the name of the grantee and of the present possessor, A. D. 1793

[illegible] and the [illegible] by which he [illegible] 41. [illegible] R. 42. § 17. *Ced. Prov.* 1803 R. 31. § 17. R. 36. § 17.

Modified 1803 R. 8. § 17

2. The form and dimensions of the register shall be prescribed by the Board of Revenue, and the Collectors are to conform strictly thereto. *Beng.* 1793 R. 19. § 23. R. 37. § 18. *Ben.* 1795 R. 41. § 23. R. 42. § 18. *Ced. Prov.* 1803 R. 31. § 18. R. 36. § 18.

3. Each leaf is to be paged and signed by the Judge; who shall attest the total number of leaves. *Beng.* 1793 R. 19. § 29. R. 37. § 24. *Ben.* 1795 R. 41. § 29. R. 42. § 24. *Ced. Prov.* 1803 R. 31. § 24. R. 36. § 24.

4. Also a register of intermediate resumptions or confirmations, according to the form prescribed by the Board; which is to contain all grants not registered, all new grants of Government, all adjudications respecting grants, and all transfers of rent-free lands from one Zilla to another; and is to be similarly paged and signed by the Judge. *Beng.* 1793 R. 19. § 33. R. 37. § 28. *Ben.* 1795 R. 41. § 33. R. 42. § 28. *Ced. Prov.* 1803 R. 31. § 28. R. 36. § 28.

5. The native record-keepers are to keep a counterpart of the quinquennial register similarly paged and signed. *Beng.* 1793 R. 19. § 31. R. 37. § 26. *Ben.* 1795 R. 41. § 31. R. 42. § 26. *Ced. Prov.* 1803 R. 31. § 26. R. 36. § 26.

6. And a counterpart of the register of intermediate resumptions. *Beng.* 1793 R. 19. § 37. R. 37. § 32. *Ben.* 1795 R. 41. § 37. R. 42. § 32. *Ced. Prov.* 1803 R. 31. § 32. R. 36. § 32.

Modified 1803 R. 8. § 15

7. The counterparts in Bengal are to be in the Persian and Bengalee, and in Behar in the Persian and Hindoostance languages. *Beng.* 1793 R. 19 § 32. R. 37. § 27. *Ben.* (in Persian and Hindoostance) 1795 R. 41. § 32. R. 42. § 27. *Ced. Prov.* (in Persian) 1803 R. 31. § 27. R. 36. § 27.

8. No alterations nor erasures are to be made in a quinquennial register; but the correction of erroneous or incomplete entries is to be noted in the register of intermediate resumptions, with a reference thereto in the margin of the erroneous or incomplete entry. *Beng.* 1793 R. 19. § 38 R. 37. § 33. *Ben.* 1795 R. 41. § 38. R. 42. § 33. *Ced. Prov.* 1803 R. 31. § 33. R. 36. § 33.

9. The Collectors are to attest all the entries in the register of intermediate resumptions with their signature. *Beng.* 1793 R. 19. § 36. R. 37. § 31. *Ben.* 1795 R. 41. § 36. R. 42. § 31. *Ced. Prov.* 1803 R. 31. § 31. R. 86. § 31.

10. And the corrections of erroneous entries in the register of intermediate resumptions. *Beng* 1793 R. 19. § 38. R. 37. § 33. *Ben.* 1795 R. 41. § 38. R. 42. § 33. *Ced. Prov.* 1803 R. 31. § 33. R. 36. § 33.

11.

[illegible] 37. § 34. [illegible] § 34. C. [illegible] 34. R. [illegible] § 34.

12. Entries of land now held rent-free, which may be resumed for the benefit of Government, shall be made in the appropriate registers. *Beng.* 1793 [illegible] 1. R. 37. § 15. C. 1. *Ben.* 1793 R. 41. § 15. C. 1. R. 42. § [illegible] *Prov.* 1803 R. 31. § 16. C. 1. R. 36. § 16. C. 1.

13. Or for the benefit of the Zemindar. *Beng.* 1793 R. 14. § 21. C. 2. [illegible] 1795 R. 42. § 21. C. 2.

14. And of land now paying revenue which may be adjudged rent-free. *Beng.* 1793 R. 19. § 21. C. 3. R. 37. § 16. C. 2. *Ben.* 1795 R. 41. § 21. C. 3. R. 42. § 16. C. 2. *Ced. Prov.* 1803 R. 31. § 16. C. 2. R. 36. § 16. C. 2.

15. Extracts from the registers are to be sent to the Collector of the other Zilla, when Mehals are transferred from one Zilla to another. *Beng.* 1793 R. 19. § 34. R. 37. § 29. *Ben.* 1795 R. 41. § 34. R. 42. § 29. *Ced. Prov.* 1803 R. 31. § 29. R. 36. § 29.

16. And also to the Courts of both Zillas and to the Provincial Court of Appeal of the division, who shall transfer the papers of all causes which may become cognizable by the other Zilla Court or Provincial Court of Appeal. *Beng.* 1793 R. 19. § 35. R. 37. § 30. *Ben* 1795 R. 41. § 35. R. 42. § 30. *Ced. Prov.* 1803 R. 31. § 30. R. 36. § 30.

17. The registers when completed, and quarterly copies of the intermediate entries, are to be sent to the Board, to the Zilla Court, and to the Provincial Court of Appeal. *Beng.* 1793 R. 19. § 42. R. 37. § 37. *Ben.* 1795 R. 41. § 42. R. 42. § 37. *Ced. Prov.* 1803 R. 31. § 37. R. 36. § 37.

18. By whom, and by the Collectors, they shall be carefully preserved. *Beng.* 1793 R. 19. § 43. R. 37. § 38. *Ben.* 1795 R. 41. § 43. R. 42. § 38. *Ced. Prov.* 1803 R. 31. § 38. R. 36. § 38.

19. The Board is to furnish a copy of the register to the Sudder Dewannee Adaulut. *Beng.* 1793 R. 19. § 42. R. 37. § 38. *Ben.* 1795 R. 41. § 42. R. 42. § 37.

20. The register of the second period is to commence from 1207. *Beng.* 1793 R. 19. § 30. R. 37. § 25. *Ben.* 1795 R. 41. § 30. R. 42. § 25. *Ced. Prov.* (from 1215) 1803 R. 31. § 25. R. 36. § 25.

21. And is to be formed from the preceding register and the intermediate abstracts. *Beng.* 1793 R. 19. § 44. R. 37. § 39. *Ben.* 1795 R. 41. § 44. R. 42. § 39. *Ced. Prov.* 1803 R. 31. § 39. R. 36. § 39.

A. D. 1793 [illegible] 22. [illegible] holding land [illegible] previous to 1st December 1790) in one year [illegible] publication. *Beng.* 1793 *R.* 19. § 24. *R.* 37. § 19. *Ben.* (grants made previous to [illegible]) 1795 *R.* 41. § 24. *R.* 42. § 19. *Ced. Prov.* (grants made previous to 1st January 1801) 1803 *R.* 31. § 19. *R.* 36. § 19.

23. Which the Collectors are required to make in the native languages and to affix in the Cuchery of every landholder, farmer, Tehsildar and rent-free holder. *Beng.* 1793 *R.* 19. § 25. *R.* 37. § 20. *Ben.* 1795 *R.* 41. § 25. *R.* 42. § 20. *Ced. Prov.* 1803 *R.* 31. § 20. *R.* 36. § 20.

24. And grants not registered within the prescribed time, shall be resumed, unless the Governor General in Council, on report of the Board, shall permit the grant to be registered. *Beng.* 1793 *R.* 19. § 26. *R.* 37. § 21. *Ben.* 1795 *R.* 41. § 26. *R.* 42. § 21. *Ced. Prov.* 1803 *R.* 31. § 21. *R.* 36. § 21.

25. Lands not registered will be assessed. *Beng.* 1793 *R.* 19. § 27. *R.* 37. § 22 *Ben.* 1795 *R.* 41. § 27. *R.* 42. § 22. *Ced. Prov.* 1803 *R.* 31. § 22. *R.* 36. § 22.

26. Registry alone shall be no proof of right against a better title by any claimant to the land, or against the claim of Government for rent. *Beng.* 1793 *R.* 19. § 28. *R.* 37. § 23. *Ben.* 1795 *R.* 41. § 28. *R.* 42. § 23. *Ced. Prov.* 1803 *R.* 31. § 23. *R.* 36. § 23.

27. The party in possession of disputed property shall be registered. *Beng.* 1793 *R.* 19. § 40. *R.* 37. § 35. *Ben.* 1795 *R.* 41. § 40. *R.* 42. § 35. *Ced. Prov.* 1803 *R.* 31. § 35. *R.* 36. § 35.

28. Any person, refusing information required by the Collector for forming the register, may be fined daily until compliance, by the Board, on report of the Collector. *Beng.* 1793 *R.* 19. § 41. *R.* 37. § 36. *Ben.* 1795 *R.* 41. § 41. *R.* 42. § 36. *Ced. Prov.* 1803 *R.* 31. § 36. *R.* 36. § 36.

29. Any public officer of a Collector, convicted in the Civil Court of receiving a bribe for registering a grant, shall be fined three times the amount and dismissed. *Beng.* 1793 *R.* 19. § 45. *R.* 37. § 40. *Ben.* 1795 *R.* 41. § 45 *R.* 42. § 40 *Ced. Prov.* 1803 *R.* 31. § 41. *R.* 36. § 40.

30. A private servant shall, over and above the fine, be confined six months. *Beng.* 1793 *R.* 19. § 46. *R.* 37. § 41. *Ben.* 1795 *R.* 41. § 46. *R.* 42. § 41. *Ced. Prov.* 1803 *R.* 31. § 42. *R.* 36. § 41.

A. D. 1800. 31. The Collectors are to ascertain whether the publication for registering rent-free

[illegible] year [illegible] and after [illegible] shall be affixed and [illegible] in the register. *Beng. Reg.* [illegible] § 4. § [illegible]

32. One year is allowed to Collectors for registering rent-free estates, [illegible] the Collector shall prepare the first register, and at the end of every five years [illegible] cessive register. *Beng. Reg.* 1803. R. [illegible] § 23. and [illegible]

III. GENERAL RULES FOR ALL LAND REGISTERS.

1. A fee is to be paid on registering a division or an union of Malguzaree and Lakheraj estates. *Beng. Reg.* 1797 R. 15. § 1. C. 1. *Ced. Prov.* 1803 R. 23. § 9. C. 1.

2. On Malguzaree estates at the rate of one quarter per cent. *Beng. Reg.* 1797 R. 15. § 2. C. 2. *Ced. Prov.* 1803 R. 23. § 9. C. 2.

3. On Lakheraj estates at the rate of two and half per cent. *Beng. Reg.* 1797 R. 15. § 2. C. 3. *Ced. Prov.* 1803 R. 23. § 9. C. 3.

4. And on registering a transfer of such estates or of a division thereof. *Beng. Reg.* 1797 R. 15. § 3. C. 1. *Ced. Prov.* 1803 R. 23. § 10. C. 1.

5. On Malguzaree estates at the rate of one quarter per cent. *Beng. Reg.* 1797 R. 15. § 3. C. 2. *Ced. Prov.* 1803 R. 23. § 10. C. 2.

6. On Lakheraj estates at the rate of two and half per cent. *Beng. Reg.* 1797 R. 15. § 3. C. 3. *Ced. Prov.* 1803 R. 23. § 10. C. 3.

7. The fee on a division or union is to be paid by the parties in proportion to their interest. *Beng. Reg.* 1797 R. 15. § 7. *Ced. Prov.* 1803 R. 23. § 14.

8. On a transfer by the party taking the transfer. *Beng. Reg.* 1797 R. 15. § 8. *Ced. Prov.* 1803 R. [illegible] § 15.

9. No one fee is to exceed 100 Rupees. *Beng. Reg.* 1797 R. 15. § 6. *Ced. Prov.* 1803 R. 23. § 13.

10. Persons, not producing accounts for calculating the fee, may be fined by the Board daily till compliance. *Beng. Reg.* 1797 R. 15. § 4. *Ced. Prov.* 1803 R. 23. § 11.

11. The fee and fines may be levied by the [illegible] *Beng. Reg.* 1797 R. 15. § 5. *Ced. Prov.* 1803 [illegible]

12. The Collectors shall give a receipt for the fee and enter it in the treasury of Government. *Beng. Reg.* 1797 R. 15. § 9. *Ced. Prov.* 1803 [illegible]

[illegible] exclusively, and [illegible] [illegible] [illegible] registers and [illegible] [illegible] [illegible] R. 42. § 7. C. 3.

14. The measurements and rents shall also be omitted. [illegible] 1800 R. 8. § 12. *Ced. Prov.* 1803 R. 42. § 7. C. 5.

15. The Board is to prepare a new form for the above Registers; and the Collectors are to propose any increase of establishment necessary for keeping up these Registers, selecting for this duty the late Canungoe Mohurirs. *Beng. Ben.* 1800 R. 8. § 17. *Ced. Prov.* 1803 R. 42. § 42.

16. The Board shall submit the proposed establishments to Government; and the officers appointed for this duty shall be employed in it exclusively, and shall not be removed except by Government. *Beng. Ben.* 1800 R. 8. § 18. *Ced. Prov.* 1803 R. 42. § 43.

17. Only Persian counterparts of such registers shall be kept. *Beng. Ben.* 1800 R. 8. § 15. *Ced. Prov.* 1803 R. 42. § 15 R 31. § 27. R. 36. § 27.

18. And the copies and quarterly entries, required for the Courts of Judicature, are to be discontinued: when the Courts wish to refer to a register, they shall call for the original or an attested copy of the entry required; the register, if sent, is to be in custody of an officer of the Collector; if the register cannot be sent, a copy of the entry shall be sent; if a register required be not prepared, the Collector shall explain the reason to the Court, who shall communicate it to Government. *Beng. Beng.* 1800 R. 8. § 15. *Ced. Prov.* 1803 R. 42. § 26. C. 3 R. 31. § 37. R. 36. § 37.

19. All alterations of the Jumma are to be recorded in the registers of intermediate mutations, and the date and authority of any abatement in the Jumma. *Beng. Ben.* 1800 R. 8. § 14. *Ced. Prov.* 1803 R. 42. § 16. C. 2.

20. The Accountant shall send back for correction any register not prepared in due form, or in which such authority is not quoted; and shall report to the Board when an abatement is stated without due authority. *Beng. Ben.* 1800 R. 8. § 16. *Ced. Prov.* 1803 R. 42. § 26. C. 2.

21. The Collectors on taking charge, are to report to the Board for the information of Government if the [illegible] registers are not duly prepared. *Beng. Ben.* 1800 R. 8. § [illegible] *Ced.* [illegible] § 26. C. 3.

22. The Accountant [illegible] the Board when quarterly entries and complete [illegible] *Beng.* [illegible] R. 8. § 16. *Ced.* [illegible]

[illegible]

1. A general register of Malguzaree and of Lakheraj lands is to be formed. *Beng. Ben.* 1800 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 42. § 32.

2. Each Pergunna or other local division is to form a distinct [illegible] *Beng. Ben.* 1800 *R.* 8. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 42. § 32. *C.* 1.

3. It shall contain two parts, one for the Malguzaree lands, the other for the Lakheraj lands. *Beng. Ben.* 1800 *R.* 8. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 42. § 32. *C.* 2.

4. By the term estate is meant any land separately assessed. *Beng. Ben.* 1800 *R.* 8. § 13. *Ced. Prov.* 1803 *R.* 42. § 2. *C.* 2.

5. The Malguzaree part is to contain the name of the estate, with a reference to the quinquennial register, the name of the proprietor, the detail of the villages, &c. with their measurement and gross rents. *Beng. Ben.* 1800 *R.* 8. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 42. § 32. *C.* 3.

6. The Lakheraj part is to contain the denomination of the tenure, with a reference to the Lakheraj register, the name of the holder, the detail of the villages, &c. with their measurement and gross rents. *Beng. Ben.* 1800 *R.* 8. § 3. *C.* 4. *Ced. Prov.* 1803 *R.* 42. § 32. *C.* 4.

7. The first register is to exhibit the several Pergunnas, &c. as they stood at the beginning of 1207, and a new register is to be prepared every five years. *Beng. Ben.* 1800 *R.* 8. § 4. *Ced. Prov.* (at the beginning of 1215,) 1803 *R.* 42. § 33.

8. A register of a similar form is to be kept for recording all intermediate alterations in property, and all new information respecting the village measurements and rents; no transfer of a portion, and no division of an estate, shall be registered till the assessment shall have been allotted as required by the Regulations; nor shall any entry affect the rights of Government. *Beng. Ben.* 1800 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 42. § 34.

9. The Board of Revenue are to furnish the Collectors with a form for this register; the Judges are to page every leaf and attest the total number of leaves in each; the register is to be kept in the Persian language by the native Record-keepers; and the Collectors are to attest the accuracy of every page. *Beng. Ben.* 1800 *R.* 8. § 6. *Ced. Prov.* 1803 *R.* 42. § 35.

10. The Pergunna register is to be formed from the information furnished [illegible] quinquennial registers; and the Collectors may require further information [illegible] holders, &c. (except accounts of village measurements and rents) [illegible] the

[illegible]

nabitants for the former registers. *Beng. Ben.* 1800 *R.* 8. § 7. *Ced. Prov.* 1803 *R.* 42. § 36.

11. And the intermediate register, from the information furnished for the other intermediate registers or similarly obtained from landholders. *Beng. Ben.* 1800 *R* 8. § 8. *Ced Prov* 1803 *R.* 42. § 37.

12 If any new villages be not reported for registry, they shall be forfeited if the neglect were in the proprietor; or, if the neglect was in a farmer, Sezawul, &c. the farmer, &c. may be fined by Government; to whom all such cases are to be reported by the Collectors through the Board. *Beng Ben.* 1800 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 42. § 40.

13. All successions to, or purchases of, estates must be notified to the Collectors, under penalty of a fine for omission or misinformation; such cases to be reported to Government through the Board: the guardian will be fined for such omission or misinformation. in the case of a disqualified person succeeding to an estate *Beng Ben.* 1800 *R* 8. § 21 *Ced. Prov* 1803 *R.* 42. § 41.

14. No change is to be made in the existing limits of Pergunnas without the sanction of Government, to whom changes proposed by the Collectors to the Board are to be submitted: such changes shall not affect the rights of any person: but the Collectors may re-annex separations made by landholders since 1197. *Beng Ben.* 1800 *R.* 8. § 9. *Ced. Prov* (since 1209,) 1803 *R* 42. § 38.

15. When transfers are made from one Zilla to another, all entries relating to such lands shall be sent to the Collector of the other Zilla. *Beng. Ben.* 1800 *R* 8. § 10. *Ced Prov* 1803 *R.* 42. § 39.

V. *REGISTERS OF DEEDS.*

A. D. 1792 1 A registry of deeds is to be kept in each Zilla and City by the Register of the Court who must be first sworn before the Judge. *Beng.* 1793 *R* 36. § 2. ext. *Ben* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17 § 2.

2. To commence from the 1st January 1796 *Beng* 1793 *R.* 36 § 16. ext. *Ben* 1795 *R.* 28 § 3. *Ced Prov* (from the 24th March 1806) 1803 *R.* 17. § 16.

3. The following deeds may be registered *Beng* 1793 *R.* 36. § 3. *C.* 1. ext *Ben.* 1795 *R.* 28. § 2 *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 1.

4 Sales or gifts of real property. *Beng.* 1793 *R.* 36. § 3. *C.* 2. ext. *Ben* 1795 *R* 28 § 2. *Ced Prov.* 1803 *R.* 17. § 3. *C.* 2.

5. Mortgages of real property, and the certificates of their discharge *Beng.* 1793 *R* 36. § 3. *C.* 3. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 3.

6.

6. Leases and other [illegible] property [illegible] *Beng.* 1793 *R.* 36. § 3. *C.* 4. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 4.

7. Wills. *Beng* 1793 *R.* 36. § 3. *C.* 5. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 5.

8. Powers to widows for adopting sons after the husband's death. *Beng.* 1793 *R.* 36. § 3. *C.* 6. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 6.

9. No deeds, executed previous to the date fixed for this Regulation, shall be affected by not being registered. *Beng.* 1793 *R.* 36. § 4. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 4.

10. Nor deeds of the 3d, 4th and 5th descriptions, which shall be executed subsequently. *Beng.* 1793 *R.* 36. § 5 ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 5.

11 But sales and gifts, which shall be executed subsequently, shall have a preference if registered, over similar deeds if also executed subsequently. *Beng.* 1793 *R.* 36. § 6. *C* 1 ext. *Ben* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 6. *C.* 1.

12 Also mortgages *Beng.* 1793 *R* 36. § 6. *C.* 2. ext. *Ben.* 1795 *R.* 28. § 2. *Ced Prov* 1803 *R* 17 § 6 *C* 2.

13 Unless the party, taking the subsequent deed, knew of the prior deed and of its not being registered *Beng* 1793 *R.* 36. § 6. *C.* 3. ext. *Ben* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 6 *C* 3.

14. Deeds shall be registered in the Zilla or City where the property is situated, and in each Zilla if situated in more than one. *Beng.* 1793 *R.* 36. § 7. ext. *Ben.* 1795 *R.* 28 § 2 *Ced Prov* 1803 *R* 17. § 7.

15. A separate book is to be kept for each species of deed, and the Judge shall page and sign every leaf. *Beng.* 1793 *R.* 36. § 8. *C* 1. ext *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R* 17 § 8. *C.* 1.

16 The deeds registered shall be numbered, and the day, month and year and time of the day shall be noted in the book. *Beng.* 1793 *R.* 36. § 8. *C.* 2. ext. *Ben.* 1795 *R* 28. § 2 *Ced Prov.* 1803 *R.* 17. § 8. *C.* 2.

17 As well as endorsed on the deed; of which an exact copy shall, after proof of execution, be copied in the book, and attested by the party producing it. *Beng* 1793 *R.* 36. § 9. *C.* 2. ext. *Ben.* 1795 *R.* 28 § 2. *Ced. Prov* 1803 *R.* 17 § 9. *C.* 2.

18. The Register's endorsement on the deed shall be proof of its being registered. *Beng.* 1793 *R.* 36. § 10. ext *Ben.* 1795 *R.* 28. § 2 *Ced. Prov.* 1803 *R.* 17. § 10.

19 And if the original be lost, a copy from the register shall be received in the

A. D. [illegible] Courts, proof being made of the original having been destroyed. *Beng.* 1793 *R.* 36. § 11. ext *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 11.

20. The Register is to furnish the Collectors with the particulars of all transfers of landed property that may be entered in their registers. *Beng.* 1793 *R.* 48. § 24. *C.* 7. *Ben.* 1795 *R.* 19 § 22. *C.* 7. *Ced Prov.* 1803 *R.* 42 § 24 *C.* 7.

21. The Register shall permit all persons to inspect the book. *Beng.* 1793 *R.* 36. § 11. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 11.

22. He shall attend in the office each day, during hours to be specified by a notice affixed in his office. *Beng.* 1793 *R.* 36. § 13 ext *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 13.

23. And, if absent, or unable to attend, may, with leave of the Judge, depute in his room a civil servant who shall previously take the same oath. *Beng.* 1793 *R.* 36 § 15. ext. *Ben.* 1795 *R.* 28. § 2 *Ced Prov.* 1809 *R.* 17. § 15.

24. A fee of two Rupees is to be paid for registering every deed, one Rupee for every copy furnished, and half a Rupee for every search; and the Register shall defray all expenses out of such fees. *Beng.* 1793 *R* 36. § 14 ext *Ben* 1795 *R* 28. § 2. *Ced. Prov.* 1803 *R.* 17 § 14.

25. Persons, falsifying an entry, shall be prosecuted by the Register on the part of Government in the Criminal Courts. *Beng* 1793 *R.* 36. § 12. ext *Ben.* 179[illegible] 28. § 2. *Ced. Prov.* 1803 *R* 17 12.

A. D. 1800 26. Applications for registering of deeds, and copies of deeds furnished from the registry, under Regulation 36 of 1793, are to be on stampt paper. *Beng. Ben.* 1800 *R.* 7. § 24. *Ced. Prov.* 1803 *R.* 43 § 13. *C.* 8.

A. D. 1805 27. The 1st January 1808 is to be the date from which the registry of deeds shall commence in Cuttack 1805 *R.* 12 § 32.

VI. *ABSTRACT REGISTERS.*

Vide Abstract Registers, *Vol.* I. *page* 17.

VII. *MISCELLANEOUS REGISTERS.*

A. D. 1793 1. The Record-keepers of the revenue Collectors are to keep a register of all warrants for issues of cash from the Treasury. *Beng.* 1793 *R.* [illegible] § 12. *Ben.* 1795 *R* 5. § 12. *Ced. Prov.* 1803 *R.* 25. § 11.

2. Of all receipts granted for payments of revenue; to be sent monthly, or when required by the Board of Revenue. *Beng.* 1793 *R.* [illegible] *Ben.* 1795 *R.* 5. § 25. *Ced. Prov.* 1803 *R.* 25. [illegible]

3. That all [illegible] Board. *Beng.* 1793 *R.* 2. § 26. *Ben.* [illegible] § 24. *Ced. Prov.* [illegible] *R.* 44. § 23.

4. And of all documents relating to the revenue; in a book each leaf of which is to be paged and signed by the Judge. *Beng.* 1793 *R.* 21. § 4. ext. *Ben.* [illegible] 30. § 2. *Ced. Prov.* 1803 *R.* 23. § 4.

5. Tehsildars are to keep and transmit monthly, or when required, to the Collector, a similar register of receipts for revenue. *Beng.* 1793 *R.* 2. § 25. *Ben.* 1795 *R.* [illegible] § 23. *Ced. Prov.* 1803 *R.* 25. § 24.

6. The Record-keepers of the Civil and Criminal Courts are to keep a register of all documents &c. in a book paged and signed by the Court Register. *Beng.* 1793 *R.* 18. § 4. ext. *Ben.* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 4.

7. A register is to be kept in English and Persian, by the Collector, of certificates granted for authorized pensions, wherein shall be noted such personal identification of the parties, as may detect any attempt to transfer them to others. *Beng.* 1793 *R.* 34. § 12. *Ben.* 1795 *R.* 34 § 9. *Ced. Prov* 1803 *R.* 24. § 11.

8. A register is to be kept of Ruwanas issued from the Manjee Custom-house. *Beng* 1793 *R.* 42. § 19. — Expired

9. Of duties on foreign imports at the Calcutta Custom-house. *Beng.* 1793 *R.* 42. § 41. — Re-enacted 1796 R 32 § 18

10. And on inland imports. 1793 *R.* 42. § 42. *C.* 8. — ditto

11. A register of Abcaree licenses is to be kept by the Collectors, exhibiting their number, date, the names of the place of vend, and of the vender, and the duty. *Beng.* 1793 *R* 34. § 14. ext. *Ben.* 1795 *R.* 47. § 6. *Ced. Prov.* 1803 *R.* 40. § 24. — Re-enacted 1800 R. 6 § 17

12. The following registers are to be kept for public inspection at the Mint. *Beng.* 1793 *R.* 35 § 27. *C.* 1. *Ced Prov.* 1803 *R.* 45 § 39.

13. A register of bullion delivered, specifying the quantity, the date of receipt and the owner's name. *Beng* 1793 *R* 35. § 27. *C.* 2. *Ced. Prov.* 1803 *R.* 45. § 39.

14. A register of bullion assayed and refined, specifying the date of assaying and refining, the owner's name, the produce, and the date of granting and discharging the certificate for the produce. *Beng.* 1793 *R.* 35. § 27. *C.* 3. *Ced. Prov.* 1803 *R.* 45. § 39.

15. A register of the Company's weavers is to be sent every three months by the Commercial Agent, to the Civil Court. *Beng.* 1793 *R.* 31. § 4. *Ced. Prov.* 1803 *R.* 37. § 4. ext. *Ben.* 1805 4. § 2.

16.

A. D. 1799 16. And registers of Putwaries by landholders and farmers to the Civil Courts and to the Collectors. *Beng.* 1793 *R.* 8. § 62. *C.* 1. *Ben.* 1797 *R.* 27. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 1.

17. A register of grants of lands to invalided Sepoys is to be kept by the Collector, and annually sent to the Board. *Beng.* 1793 *R.* 43. § 33. *C.* 8. *Ben.* 1795 *R.* 43. § 3.

18. Registers of persons empowered to execute securities in civil suits, specifying also their place of residence, are to be sent by salt Agents to Civil Courts. *Beng.* 1793 *R.* 29. § 40. *C.* 2.

19. And by Commercial Agents. *Beng.* 1793 *R.* 31. § 10. *C.* 2. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 2. ext. *Ben.* 1805 *R.* 4. § 2.

20. Police Daroghas are to keep registers of village watchmen; and the landholders shall report to the Darogha the names of persons appointed on vacancies. *Beng.* 1793 *R.* 22. § 13. *Ben.* 1795 *R.* 17. § 13. *Ced. Prov.* 1803 *R.* 35. § 13.

A. D. 1795 Re-enacted 1800 R. 11 § 19 21. A register of the duties on imports is to be kept at the Calcutta Custom-house. *Beng.* 1795 *R.* 39. § 11.

ditto 22. Also a register of the duties on exports. *Beng.* 1795 *R.* 39. § 17. *C.* 9.

ditto 23. And a register of goods exported free of duty. *Beng.* 1795 *R.* 39. § 17. *C.* 10.

A. D. 1798 24. A register of salt Chokies and of the officers attached to the Chokies is to be sent to the Civil Courts by the Board of Trade, salt Agents, or Ameens. *Beng.* 1798 *R.* 4. § 2.

A. D. 1799 25. A register of persons empowered to execute securities in civil suits, specifying their place of residence, is to be sent to the Civil Courts by the opium Agent. *Beng. Ben.* 1799 *R.* 6. § 26. *C.* 2.

A. D. 1800 26. The Collectors are to register the Abcaree licenses, and transmit to the Board a copy of the register annually, and to the Magistrate a list of the licenses whenever granted. *Beng. Ben.* 1800 *R.* 6. § 17. *Ced. Prov.* 1803 *R.* 40. § 24.

27. A register of the duties on imports by sea is to be kept at the Calcutta Custom-house. *Beng.* 1800 *R.* 11. § 19.

28. And a register of duties on exports by sea. *Beng.* 1800 *R.* 11. § 20.

A. D. 1801 29. A register is to be kept at the Calcutta Custom-house of town duties collected on sea imports. *Beng.* 1801 *R.* 5. § 4. *C.* 18.

30. And on inland imports. *Beng.* 1801 *R.* 5. § 6. *C.* 17.

31. Also of sea imports free of duty or entitled to drawback. *Beng.* 1801 *R.* 5. § 4. *C.* 19.

32. [illegible] R. [illegible]

33. A register is to be [illegible] salt from the Company's [illegible]

34. A register of [illegible] the Master Attendant. *Beng.* 1801 R. [illegible] § 6.

35. A register is to be kept of all [illegible] goods entitled to [illegible] *Beng.* 1801 R. 10. § 12. Cod. Prov. [illegible] R. 6. § 25.

36. Also a register of all Ruwanas granted at the Government Customhouse. *Beng.* 1801 R. 11. § 13. C. 9. *Cod. Prov.* 1804 R. [illegible] C. [illegible]

37. Of Ruwanas produced at such Customhouse. *Beng.* 1801 R. [illegible] § [illegible] C. 3. *Cod. Prov.* 1804 R. 11. § 27. C. 3.

38. And of exchanged Ruwanas granted. *Beng.* 1801 R. 11. § [illegible] C. 3. *Cod. Prov.* 1804 R. 11. § 28. C. 3.

39. A register is to be kept at the Furruckabad Mint of all copper brought for coinage and sent to the Mint Committee. *Cod. Prov.* 1803 R. 45. § 5. C. 2. A. D. 1803

40. A copy of the register of silver bullion is to be similarly sent. *Cod. Prov.* 1803 R. 45. § 40.

41. The Police Daroghas in Cuttack shall, under the instructions of the Magistrate, form a register of the Payiks. *Beng.* 1805 R. 13. § 6. A. D. 1805

42. And the Collector is to form, and transmit to the Board, a register of the lands appropriated for the maintenance of such Payiks. *Beng.* 1805 R. 13. § 10.

REGULATIONS OF GOVERNMENT.

I. *HOW TO BE PASSED.*

1. Every rule or order passed by the Governor General in Council, regarding the administration of justice, the imposition of taxes, the collection of the revenue, the provision of the Company's investment, and the manufacture of salt and opium, or affecting the rights, persons or property of individuals, shall be formed into a Regulation. *Beng.* 1793 R. 41. § 21. ex. *Beng.* 1795 R. 1. § 4. *Cod. Prov.* 1803 R. 1. § 2. A. D. 1793

2. Shall be translated into the Persian and Bengal languages. *Beng.* 1793 R. 41. § 25. ex. *Ben.* 1795 R. 1. § 4. *Cod. Prov.* (Persian and [illegible]

3. Printed in paper [illegible] *Beng.* 1793 R. [illegible] 1. § 4. *Cod. Prov.* 1803 R. 1. § 9.

A. D. 1793

4. Distributed in such proportions, and to such persons, as the Governor General in Council may direct. *Beng.* 1793 *R.* 41. § 11. ext. *Ben.* 1793 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1 § 11.

5. And transmitted to the Court of Directors. *Beng* 1793 *R.* 41. § 12. ext. *Ben.* 1795 *R.* 1 § 4. *Ced. Prov* 1803 *R.* 1. § 12.

6. The Regulations of each year are to be numbered in the order in which they are passed. *Beng.* 1793 *R.* 41. § 3. ext. *Ben.* 1795 *R* 1. § 4 *Ced. Prov.* 1803 *R.* 1. § 3.

7. And are are to have an annual index *Beng.* 1793 *R.* 41 § 10. ext. *Ben.* 1795 *R.* 1. § 4 *Ced. Prov.* 1803 *R* 1. § 10.

8. Every Regulation shall have a title expressing its subject *Beng.* 1793 *R.* 41. § 4 ext. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov* 1803 *R.* 1 § 4.

9 And a preamble stating the reasons for enacting it *Beng* 1793 *R* 41. § 5. *C.* 1. ext. *Ben* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R* 1 § 5 *C.* 1.

10. Shall be divided into numbered Sections, and Clauses of Sections, the preamble being the first Section *Beng.* 1793 *R.* 41. § 6. ext *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R* 1. § 6.

11. With marginal abstracts of their contents. *Beng.* 1793 *R* 41 § 8 ext. *Ben.* 1795 *R.* 1. § 4 *Ced. Prov.* 1803 *R* 1 § 8.

12. The same designations and terms are to be uniformly applied to the same descriptions of persons and things. *Beng.* 1793 *R* 41. § 14. ext. *Ben.* 1793 *R.* 1. § 4 *Ced. Prov* 1803 *R* 1 § 14.

13. Reference to a Regulation is to be made by quoting its number and year, and the number of the Section and Clause. *Beng.* 1793 *R.* 41. § 7. ext. *Ben.* 1795 *R.* 1 § 4. *Ced. Prov.* 1803 *R.* 1. § 7.

14. If a Regulation repeal or modify a former Regulation, the reasons for the repeal or modification shall be stated in the preamble. *Beng.* 1793 *R.* 41. § 5. *C.* 2. ext. *Ben.* 1795 *R.* 1. § 4. *Ced Prov* 1803 *R.* 1. § 5 *C.* 2.

15. In the translations of the Regulations, uniformity is to be preserved in the designations applied to persons and things, and an explanation subjoined of terms not intelligible to the natives in general. *Beng.* 1793 *R.* 41. § 16. ext. *Ben.* 1793 *R.* 1 § 4. *Ced. Prov* 1803 *R.* 1. § 16.

16. A plain, easy language is to be used, rejecting words not in common use, and adopting the idiom of the native languages instead of a close, verbal translation. *Beng.* 1793 *R.* 41. § 18. ext. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1. § 18.

17.

17. The Transfer [illegible] the Principal [illegible] Limitations [illegible] *Beng.* A. D. 17[illegible] 1793 R. 41. § 17. ext. *Ben.* 1795 R. 1. § 4. *Ced. Prov.* 1803 R. [illegible]

18. One part of a Regulation shall be construed by another so that the whole may stand. *Beng.* 1793 R. 41. § 19. ext. *Ben.* 1795 R. 1. § 4. *Ced. Prov.* 1803 R. 1. § 19.

19. A subsequent Regulation, differing from a preceding one, repeals it in the whole or in part, provided the negative be expressed or necessarily implied. *Beng.* 1793 R. 41. § 20. ext. *Ben.* 1795 R. 1. § 4. *Ced. Prov.* 1803 R. 1. § 20.

20. But a rescinded Regulation is revived by the repeal of the Regulation which rescinded it. *Beng.* 1793 R. 41. § 21. ext. *Ben.* 1795 R. 1. § 4. *Ced. Prov.* 1803 R. 1. § 21.

21. Judges and Magistrates of Zillas and cities, Judges of Provincial Courts of Appeal and Courts of Circuit, the Sudder Dewannee and Nizamut Adaluts, may propose Regulations regarding any matter in their cognizance. *Beng.* 1793 R. 20. § 2. ext. *Ben.* 1795 R. 29. § 2. *Ced. Prov.* 1803 R. 9. § 2.

22. Regulations proposed by Judges and Magistrates are to be drawn in the manner prescribed by Regulation 41. *Beng.* 1793 R. 20. § 3. ext. *Ben.* 1795 R. 29. § 2. *Ced. Prov.* 1803 R. 9. § 3.

23. Or by the Courts of Appeal and Circuit. *Beng.* 1793 R. 20. § 11. ext. *Ben.* 1795 R. 29. § 2. *Ced. Prov.* 1803 R. 9. § 11.

24. Or by the Sudder Dewannee and Nizamut Adaluts. *Beng.* 1793 R. 20. § 14. ext. *Ben.* 1795 R. 29. § 2.

25. And, if not so drawn, are to be returned to the Judge or Magistrate proposing them, by the Court of Appeal or Circuit. *Beng.* 1793 R. 20. § 5. ext. *Ben.* 1795 R. 29. § 2. *Ced. Prov.* 1803 R. 9. § 5.

26. And to the Court of Appeal or Circuit proposing them, by the Sudder Dewannee or Nizamut Adaulut. *Beng.* 1793 R. 20. § 13. ext. *Ben.* 1793 R. 29. § 2. *Ced. Prov.* 1803 R. 9. § 13.

27. A Judge or Magistrate, proposing a Regulation, is to submit it to the Provincial Court of Appeal or Court of Circuit. *Beng.* 1793 R. 20. § 3. ext. *Ben.* 1793 R. 29. § 2. *Ced. Prov.* 1803 R. 9. § 3.

28. And it shall be transmitted by the Register or Assistant, attested by his signature and the seal of the Court. *Beng.* 1793 R. 20. § 4. ext. *Ben.* 1795 R. 29. § 2. *Ced. Prov.* 1803 R. 9. § 4.

29. If the Provincial Court of Appeal or Court of Circuit approve or disapprove the Regulation in toto, they are to forward it to the Sudder Dewannee or Nizamut Adaulut. *Beng.* 1793 R. 20. § 6. ext. *Ben.* 1793 R. 29. § 2. *Ced. Prov.* 1803 R. 9. § 6.

30.

A. D. 1793 30. If in part, they are to accompany it with a separate draught of an altered Regulation *Beng.* 1793 *R.* 20 § 7 ext. *Ben.* 1795 *R.* 29. § 2. *Ced. Prov.* 1803 *R.* 9. § 7.

31. Or, in case of a difference of opinion among the Judges, with a separate draught of the Regulation altered by each Judge. *Beng* 1793 *R.* 20. § 8. ext. *Ben.* 1795 *R.* 29. § 2. *Ced. Prov.* 1803 *R.* 9. § 8.

32. The Provincial Courts of Appeal or Circuit are not to communicate to the Judges or Magistrates the grounds of their approbation or disapprobation of a Regulation proposed. *Beng.* 1793 *R.* 20. § 10 ext. *Ben.* 1795 *R.* 29. § 2. *Ced Prov.* 1803 *R* 9 § 10.

33. If a Provincial Court of Appeal or Court of Circuit collectively propose a Regulation, or unanimously approve a Regulation proposed by a Member of the Court, it is to be sent to the Sudder Dewannee or Nizamut Adaulut, but, if any Judge differ in opinion regarding a Regulation, he is to annex a draught of the Regulation altered to his opinion *Beng.* 1793 *R* 20. § 11 ext. *Ben.* 1795 *R.* 29 § 2. *Ced. Prov.* 1803 *R.* 9. § 11.

34. The Sudder Dewannee or Nizamut Adaulut, on receiving a Regulation of a Judge or Magistrate forwarded by a Provincial Court of Appeal or Circuit, shall submit it to the Governor General in Council with their approbation or disapprobation in toto, or with a separate draught of a Regulation altered by themselves *Beng* 1793 *R.* 20. § 9 ext. *Ben* 1795 *R.* 29. § 2 *Ced Prov* 1803 *R.* 9 § 9.

35. And similarly, a Regulation proposed by a Court of Appeal or Circuit *Beng.* 1793 *R* 20 § 12 ext *Ben.* 1795 *R* 29 § 2 *Ced. Prov* 1803 *R.* 9 § 12

36. The Sudder Dewannee and Nizamut Adaluts may require information from Judges or Magistrates, or from the Provincial Courts of Appeal or Circuit, respecting Regulations proposed by them respectively *Beng* 1793 *R* 20 § 10 ext. *Ben.* 1795 *R.* 29 § 2 *Ced Prov* 1803 *R.* 9. § 10.

37. Regulations proposed will be adopted or rejected by the Governor General in Council, as it may appear to him proper. *Beng* 1793 *R* 20. § 15 ext *Ben.* 1795 *R.* 29. § 2 *Ced. Prov.* 1803 *R.* 9 § 14

A. D. 179. 38. The Board of Revenue is empowered to propose Regulations in the form prescribed by Regulation 41 of 1793, with a letter stating at large the grounds on which it may be proposed, and copies of all documents therein referred to. Collectors are also authorized to propose Regulations in the prescribed form to the Board; which the Board shall forward to the Governor General in Council, if drawn out according to the

the form directed by Regulation 41 of 1793 whether they approve it or not: if they disapprove it altogether, they are to state the reasons to the Governor General in Council in a letter; if they disapprove it in part, they are to state their objections to the part disapproved and submit a draught of the Regulation which they judge expedient. *Beng.* 1799 *R.* 7. § 31. ext. *Ben.* 1800 *R.* 5. § 28. *Ced. Prov.* 1803 *R.* 26. § 61. A. D.

II. *HOW TO BE IN FORCE.*

1. Copies of the Regulations shall be transmitted to the Courts of Justice, and to the officers of Government, as they are passed. *Beng.* 1793 *R.* 41. § 11. ext. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1. § 11. A. D. 1793

2. And annual sets of the Regulations to the Court of Directors, and to the officers of Government and others; as the Governor General in Council may direct. *Beng.* 1793 *R.* 41. § 12. ext. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1. § 12.

3. The civil and criminal Courts of Justice must govern themselves by the Regulations so framed and transmitted to them, and by no others. *Beng.* 1793 *R.* 41. § 13. ext. *Ben.* 1795 *R.* 1. § 4 *Ced. Prov* 1803 *R.* 1. § 13.

4. The Regulations of Government are to be kept in the Civil Courts open to access of all persons. *Beng.* 1793 *R.* 7. § 6. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 5.

5. Ameens, deputed for the division of landed estates, are to be furnished with copies of the Regulations by which they are to guide themselves. *Beng.* 1793 *R.* 25. § 14. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 42.

6. Police officers of Zillas are to have a copy of the Regulations for their conduct. *Beng.* 1793 *R.* 22. § 23. *Ben.* 1795 *R.* 17. § 21. *Ced. Prov.* 1803 *R.* 35. § 22.

7. And of Cities. *Beng.* 1793 *R.* 22. § 39. *Ben.* 1795 *R.* 17. § 36.

8. Translations of Regulation 36, for establishing a registry for wills and deeds, are to be sent by the Judges to all the Cazees in their jurisdiction. *Beng.* 1793 *R.* 36. § 16. ext. *Ben.* 1795 *R.* 28 § 2. *Ced. Prov.* 1803 *R.* 17. § 16.

9. And of all other Regulations passed by Government. *Beng.* 1793 *R.* 39. § 10. ext. *Ben.* 1795 *R.* 49 § 3. *Ced. Prov.* 1803 *R.* 46. § 10.

10. Regulation 15, respecting interest, is to be affixed in all villages of invalided Sepoys. *Beng.* 1793 *R.* 43. § 26.

11. All rules enacted in Benares between the years 1781 and 1795, if not repealed or altered by, or repugnant to, any Regulation, are to be deemed in full force. *Ben.* 1795 *R.* 22. § 89. A. D. 1795

A. D. 1795. 12. No Regulation extends to Benares unless the title of the Regulation, or the Regulation itself, or some other Regulation shall expressly declare it. *Ben.* 1795 *R.* 1. § 4.

A. D. 1796 13. If a Judge or a Magistrate of a Zilla or city should deem an order of a Court of Appeal or Court of Circuit to be contrary to the Regulations, he may suspend execution and state his objections; if the Court repeat the order, he shall execute it, but may desire a reference of the point to the Sudder Dewannee or Nizamut Adaulut, and the Court of Appeal or Circuit shall transmit to the Sudder Dewannee or Nizamut Adaulut copies of the order and of all papers relating to the question; but this does not include cases wherein the Courts of Appeal and Circuit have a discretionary authority. *Beng Ben.* 1796 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 22. § 2.

14. The decision of the Sudder Dewannee or Nizamut Adaulut is to be final on all such references in cases provided for by the Regulations. *Beng. Ben.* 1796. *R.* 10. § 3. *Ced Prov.* 1803 *R.* 22. § 3.

15. But should the meaning of the Regulation in dispute appear to them doubtful, or the question appear to be not sufficiently provided for by the Regulations, they shall in the first case submit the point to Government, and in the second case propose a new Regulation. *Beng. Ben.* 1796 *R.* 10 § 4. *Ced. Prov.* 1803 *R.* 22. § 4.

A. D. 1797 16. If in any case not specifically provided for by the Regulations, the Nizamut Adaulut should deem the Muhamedan law repugnant to equal justice, they shall propose to Government a Regulation to prevent a recurrence of the case. *Beng. Ben.* 1797 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 8. § 11.

A. D. 1803 17. If in any case a specific punishment shall not have been provided by either the Muhamedan law or the Regulations, the Nizamut Adaulut shall propose to Government a Regulation for fixing the punishment in future. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 3.

A. D. 1804 18. The Civil and Criminal Courts, the Boards, and all public officers, shall be guided in all matters relating to the Zillas of Allahabad and Gorukpoor since their annexation to Benares, by the Regulations enacted for the Ceded Provinces. *Ced. Prov.* 1804 *R.* 8. § 3.

19. The Regulations for the administration of criminal justice in Bengal, Behar and Orissa shall extend to Cuttack, unless otherwise specially directed in any Regulation. *Beng.* 1804 *R.* 4. § 5.

20. And the Regulations regarding the Police. *Beng.* 1804 *R.* 4. § 6.

21. The Courts of Circuit are to be guided in their proceedings relating to the Conquered Provinces and Bundelkhund by the Regulations enacted for the administration of criminal justice in the Ceded Provinces. *Ben. Ced. Prov.* 1804 *R.* 9. § 6.

22.

22. And the Magistrates in regard to their general powers. *Ben. Ced. Prov.* 1804 *R.* 9. § 7. A. D. 1804

23. And in matters regarding the Police. *Ben. Ced. Prov.* 1804 *R.* 9. § 9.

24. The Courts, the Boards, and all public officers, are to be guided, in all matters relating to Bundelkhund by the Regulations enacted for the internal government of the Ceded and Conquered Provinces. *Ben.* 1805 *R.* 8 § 8. *C.* 4. A. D. 1805

25. The Regulations, enacted or to be enacted for Bengal, Behar and Orissa, for the settlement and collection of the revenue, are to be in force in Cuttack, if not repugnant to, nor inconsistent with, any special Regulation, except in the hill and Jungul Zemindaries. *Beng.* 1805 *R.* 12. § 36.

26. And except in the territory of Mohurbunj. *Beng.* 1805 *R.* 14. § 37.

27. And all Regulations relating to the administration of Civil Justice and the provision of the investment, except as above. *Beng.* 1805 *R.* 12. § 11.

28. Or relating to the Police and the administration of Criminal Justice, except as above. *Beng* 1805 *R.* 13. § 13.

29. The Court of Circuit and Nizamut Adaulut shall be guided, in their proceedings relating to the settlements of Chandernagore and Chinsura, by the Regulations enacted for Bengal, Behar and Orissa. *Beng.* 1805 *R.* 16. § 3. *C.* 1.

30. The Regulation for the Civil Courts at Chandernagore and Chinsura is to be translated into the French and Dutch languages and published in the customary mode. *Beng.* 1805 *R.* 1. § 14.

31. The translation of Regulation 3 of 1805 for the punishment of robbery is to be read and proclaimed in the Cucheries of the Judges, Collectors, landholders, farmers and Police officers. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 7.

32. Also of Regulation 8, and of all other Regulations; which shall be also read and published in the Cucherries of the Munsifs: and the native pleaders shall be required to take copies of them. *Ced. Prov.* 1805 *R.* 8. § 31. *Beng. Ben.* 1806 *R.* 11. § 12. *C.* 2.

33. All the Regulations, enacted for the Ceded Provinces, are extended to the provinces ceded to the Company by Doulut Rao Sindia and the Peshwa. *Ced. Prov.* 1805 *R.* 8. § 1.

34. But the city of Delhi, and the territory assigned to the King, shall not be subject to any Regulations of the British Government. *Ced. Prov.* 1805 *R.* 8. § 4.

35.

A. D. 1806 35. The translations of Regulation 11 of 1806 are to be transmitted by the Magistrates to the Police officers, and by the Collectors to the landholders, farmers, Tehsildars and managers, for publication. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 11.

36. If any difficulty should arise in the conduct of an inquiry into a charge of corruption against a revenue or commercial officer, for which the Sudder Dewannee Adaulut shall deem it advisable to provide by a Regulation, they shall submit to Government a Regulation for the purpose. *Beng Ben. Ced. Prov.* 1806 *R.* 8. § 10.

III. *HOW TO HAVE EFFECT.*

A. D. 1793 1. The Governor General in Council may pass any Regulation deemed proper, for the protection and welfare of the dependant Talookdars, Rayats and cultivators of the soil. *Beng.* 1793 *R.* 1. § 8. *C.* 1. *Ben.* 1795 *R.* 27. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 1. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 1.

2. Transfers of Malguzaree estates, by sale, gift or otherwise, are valid without application to Government for its sanction, if not repugnant to any Regulation. *Beng.* 1793 *R.* 1. § 9. *Ben.* 1795 *R.* 27. § 6. *Ced. Prov.* 1803 *R.* 25. § 36. *Conq. Prov.* 1805 *R.* 9. § 26.

3. And bequests of such estates by will written or verbal. *Beng.* 1793 *R.* 11. § 6. *Ben.* 1795 *R.* 44 § 6.

4. Collectors are to conform to all existing instructions of the Board of Revenue if not altered or revoked by any Regulation. *Beng.* 1793 *R.* 2. § 4. *Ben.* 1795 *R.* 5. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 4.

5. And are, in the performance of their duties, to be guided by the Regulations published in the manner directed by Regulation 41. *Beng.* 1793 *R.* 2. § 8. *C.* 13. *Ben.* 1795 *R.* 5. § 7. *C.* 12. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 12.

6. And any disobedience or inattention of any officer under the Board to any Regulation thus published, shall be reported by the Board to the Governor General in Council. *Beng.* 1793 *R.* 2. § 30. *Ben.* 1795 *R.* 5. § 27.

7. The Board is similarly to be guided by the Regulations in their orders regarding the settlement of land. *Beng.* 1793 *R.* 2. § 36. *Ben.* 1795 *R.* 5. § 30.

8. Revenue and Commercial officers, their Assistants and native officers, are amenable to the Zilla Courts for all official acts done in opposition to a Regulation. *Beng.* 1793 *R.* 3. § 10. ext. *Ben.* 1795 *R.* 7. § 7. *Ced Prov.* 1803 *R.* 2. § 7.

9. And particularly the Regulations regarding the coin. *Beng.* 1793 *R.* 35. § 28. *Ced. Prov.* 1803 *R.* 45. § 52.

10.

10. Salt Agents, their Assistants, and native officers, may be sued in the Dewanee Adaulut for any breach of a Regulation. *Beng.* 1793 *R.* 29. § 22. *C.* 1.

11. And Commercial Agents and their native officers. *Beng.* 1793 *R.* 31. § 16. *Ced. Prov.* 1803 *R.* 37. § 16. ext. *Ben.* 1805 *R.* 4. § 2.

12. But any person, not a British subject, deeming himself aggrieved under a Regulation by an act of a public officer of Government done pursuant to a special order of the Governor General in Council or the Boards of Revenue or Trade, must first apply, through the Court, to the Governor General in Council for leave to sue. *Beng.* 1793 *R.* 3. § 11. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 15.

13. Specifically enacted for Collectors in regard to the public revenue. *Beng.* 1793 *R.* 14. § 46. *Ben.* 1795 *R.* 6. § 51. *Ced. Prov.* 1803 *R.* 27. § 48.

14. In regard to the non payment of Sayer compensations. *Beng.* 1793 *R.* 27. § 12. *Ced. Prov.* 1803 *R.* 38. § 18. 1805 *R.* 6. § 41.

15. And of Abcaree compensations. *Beng.* 1793 *R.* 34. § 3. *Ben.* 1795 *R.* 46. § 3. *Ced. Prov.* 1803 *R.* 40. § 3.

16. For Salt Agents in regard to seizures and confiscations of salt. *Beng.* 1793 *R.* 30. § 11.

17. And in regard to the salt manufacture. *Beng.* 1793 *R.* 29. § 33.

18. For Commercial Agents. *Beng.* 1793 *R.* 31. § 28. *Ced. Prov.* 1803 *R.* 37. § 28. ext. *Ben.* 1805 *R.* 4. § 2.

19. Zilla and City Cazees may be sued for any undue practices in the discharge of the duties prescribed to them by a Regulation. *Beng.* 179, *R.* 39. § 11. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 11.

20. Suits in which Government is one of the parties shall be tried under the same rules which are prescribed by the Regulations for the trial of suits between individuals. *Beng.* 1793 *R.* 3. § 11. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 15.

21. The native Commissioners of lawsuits are to be guided in the trial of suits, by the same rules which are prescribed in the Regulations for the City and Zilla Courts, as far as circumstances may admit. *Beng.* 1793 *R.* 40. § 9. *C.* 11. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 11.

22. Pleaders of Civil Courts are to be dismissed from office on conviction of demanding or receiving any fees not authorized by a Regulation. *Beng.* 1793 *R.* 7. § 19. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 13.

23. And may be sued by their clients for any breach of the Regulations. *Beng.* 1793 *R.* 7. § 31. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 29.

24. The pleader of Government at each Civil Court is to undertake all such suits as may be directed by any Regulation to be carried on at the public expense. *Beng.* 1793 *R.* 7. § 26. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov* 1803 *R.* 10. § 24.

25. And is, in pleading such suits, to be subject to all rules prescribed to other pleaders, except where specially directed otherwise by any Regulation. *Beng.* 1793 *R.* 7 § 29. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R* 10. § 27.

26. The Nizamut Adaulut may submit to the Governor General in Council, Regulations regarding the administration of criminal justice and the Police of the country. 1793 *R.* 9. § 72.

27. And is to regulate its sentences by the Muhamedan law except where a deviation may be expressly directed by a Regulation. 1793 *R.* 9. § 74.

28 The Collectors of Revenue and the managers and guardians of disqualified landholders are to obey all orders of the Court of Wards not contrary to a Regulation. *Beng.* 1793 *R.* 10. § 35. *Ced. Prov.* 1803 *R.* 52. § 39.

29. And may be sued by the landholder, on his disqualification ceasing, or by any person not disqualified to whom the estate may devolve, for any acts done in opposition to a Regulation. *Beng.* 1793 *R.* 10. § 36. *Ced. Prov.* 1803 *R.* 52 § 40.

30. Registers of the Civil and Criminal Courts are not to exercise any powers except such as they may be authorized to exercise by a Regulation. *Beng.* 1793 *R.* 13. § 7. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 16.

31. All restrictions, imposed on the landholders and farmers by their Caboolints, are to be considered in full force unless repealed by a Regulation. *Beng.* 1793 *R.* 8. § 67. *C.* 1.

32. The keepers of judicial records are, in the execution of the duties of their office, to be guided by the rules prescribed to them in any Regulation published in the mode directed by Regulation 41. *Beng.* 1793 *R.* 18. § 8. ext. *Ben.* 1795 *R.* 18. § 2. *Ced. Prov.* 1803 *R.* 13. § 8.

33. And the keepers of revenue records. *Beng.* 1793 *R.* 21. § 8. ext. *Ben.* 1795 *R.* 30. § 2. *Ced. Prov.* 1803 *R.* 23. § 8.

34. Police officers of Zillas may be prosecuted either criminally before the Court of Circuit, or for damages in the Civil Court, for any act repugnant to a Regulation. *Beng.* 1793 *R.* 22. § 22. *Ben.* 1795 *R.* 17. § 20. *Ced. Prov.* 1803 *R.* 35. § 21.

35. And Police officers of cities. *Beng.* 1793 *R* 22. § 38. *Ben.* 1795 *R.* 17. § 35. A. D. [illegible]

36. The Registers of the Civil Courts are to be guided in the trial of suits by the same rules which are prescribed under the Regulations to the Judges. *Beng.* 1794 *R.* 8. § 5. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 8. A. D. [illegible]

37. Any person, aggrieved by an act of a Collector of Customs in opposition to a Regulation, is to proceed according to Section 11, Regulation 3 of 1793. *Beng. Ben.* 1795 *R.* 39. § 22. *C.* 1. *Ced Prov.* 1804 *R.* 11. § 41. A. D. 1795

38. The hill people of Rajmuhul and Bhaugulpoor are not to be tried by the Regulations which have been or may be enacted for the trial of persons subject to the ordinary tribunals. *Beng.* 1796 *R.* 1. § 2. A. D. 1796

39. All Assistants of the Civil and Criminal Courts are prohibited from exercising any judicial powers, except where expresly authorized by a Regulation. *Beng. Ben.* 1796 *R.* 4. § 6.

40. The Assistants to the Magistrates are to be guided by the Regulations enacted for the guidance of Magistrates. *Beng. Ben* 1797 *R.* 14. § 4. A. D. 1797

41. The sentences of the Nizamut Adaulut, in cases of murder, are to be conformable to the Muhamedan law with the exceptions and modifications authorized by any Regulation. *Beng. Ben.* 1797 *R.* 4 § 4. *Ced Prov.* 1803 *R.* 8. § 11.

42. The Judges of the Courts of Circuit, after each circuit, shall submit to the Nizamut Adaulut, their observations regarding the effect of the present system of criminal laws in the prevention of crimes; but any new Regulations, which they may deem advisable, are to be proposed in the manner prescribed by Regulation 20 of 1793. *Beng. Ben.* 1797 *R.* 4. § 12. *Ced. Prov.* 1803 *R.* 7. § 37.

43. The Regulation concerning appeals to the King in Council is not to be understood to bar the full and unqualified exercise of his Majesty's pleasure in regard to such appeals. *Beng. Ben.* 1797 *R.* 16. § 7. *Ced. Prov.* 1803 *R.* 5. § 36.

44. If a judgment appealed to the King in Council shall have been passed on any local Regulation enacted by the Governor General in Council, or any such Regulation shall have been quoted in a judgment so appealed, a copy or extract of the Regulation shall be annexed to the proceedings. *Beng. Ben.* 1797 *R.* 17. § 6. *Ced. Prov.* 1803 *R.* 5. § 35.

45. Pleaders, agreeing for less than the fees authorized by the Regulations, shall be liable to dismission. *Beng. Ben.* 1798 *R.* 5. § 15 *Ced. Prov.* 1803 *R.* 10. § 32. A. D. 1798

46. Special Courts are to possess all the powers and exercise all the authorities vested in the Courts of Circuit by the Regulations, and are to be guided by the same A. D. 1798

rules

A. D. 1799 rules in the trials of prisoners brought before them. *Beng. Ben.* 1799 *R.* 4 § 3. *Ced. Prov.* 1803 *R.* 20. § 3.

47. Persons, deeming themselves aggrieved by any act done in matters relating to opium in opposition to a Regulation, are to proceed under Section 11, Regulation 3 of 1797. *Beng. Ben.* 1799 *R.* 6. § 39 *Ced. Prov.* 1803 *R* 41 § 22.

A. D. 1801 48. Or in matters relating to salt. *Beng. Ben.* 1801 *R.* 6. § 33. *Ced. Prov.* 1803 *R.* 39. § 20.

49. Or relating to the Calcutta town duties. *Beng.* 1801 *R* 5. § 15.

50. Or to the Government duties. *Beng. Ben.* 1801 *R.* 11. § 25. *Ced. Prov.* 1804 *R.* 11. § 41.

51. Or to the city duties. *Beng. Ben.* 1801 *R.* 10. § 29. *Ced. Prov.* 1805 *R.* 6. § 37.

A. D. 1803 52. The Regulations, modifying the Mahomedan law, shall not be applied by the Court of Circuit to crimes committed in the Ceded Provinces previous to their promulgation, except the modification for commuting mutilation, or other modifications favourable to the prisoner. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 5.

53. Nor by the Nizamut Adalut. *Ced. Prov.* 1803 *R.* 51. § 3. *C.* 2.

54. The Fatwa on trials for murder committed previously shall be given according to the Mahomedan law, without any reference to the modifications introduced by any Regulation. *Ced. Prov.* 1803 *R* 51. § 3. *C.* 1.

55. An order of Government without a new Regulation, shall be sufficient for increasing or reducing the number of Mints, or removing them to any other places. *Ced. Prov.* 1803 *R.* 45. § 4.

A. D. 1804 56. For extending the provisions regarding the native officers of Government to any other officers besides those described in the Regulation. *Beng. Ben. Ced. Prov.* 1804 *R* 5. § 19.

57. Also for suspending, postponing or extending the operation of any Regulation for the collection of Customs in the Ceded and Conquered Provinces. *Ced. Prov.* 1804 *R.* 11. § 6.

A. D. 1805 58. And the Regulation for the collection of city duties. *Ced. Prov.* 1805 *R.* 6. § 7.

59. And for exempting any public officer from taking that part of the official oath which prohibits him from engaging in commercial concerns. *Beng. Ben. Ced. Prov.* 1805 *R.* 7. § 2.

60.

60. No Regulation, enhancing the punishment of any offence beyond the punishment prescribed by the Muhamedan law, shall be considered applicable to any offence committed within the settlements of Chandernagore or Chinsura before the promulgation of this Regulation. *Beng.* 1805 *R.* 16. § 3. *C.* 2. A. D.

61. But the modifications made in the Muhamedan law by any Regulation, if in favour of the prisoner, shall have effect. *Beng.* 1805 *R.* 16. § 3. *C.* 3.

62. An order of Government, without a new Regulation, shall be sufficient for vesting the Magistrate of the Jungul Mehals with the office of Judge within the limits of his jurisdiction. *Beng.* 1805 *R.* 18. § 10.

63. And for abolishing altogether the office of Magistrate of the Jungul Mehals. *Beng.* 1805 *R.* 18. § 3. *C.* 2.

REMISSIONS AND SUSPENSIONS OF DEMAND.

1. No claim for suspensions or remission on account of calamity of season will be attended to; but, for all arrears of revenue, the defaulter's land, or an adequate portion, will be invariably sold. *Beng.* 1793 *R.* 1. § 7. A. D. 1793

2. But if the Collector shall be satisfied from his inquiries, that an arrear has arisen from the crops being damaged by any calamity of season, he shall suspend the demand, reporting all the circumstances to the Board of Revenue. *Beng.* 1793 *R.* 14. § 8. *Ben.* 1795 *R.* 6. § 13. *Ced. Prov.* 1803 *R.* 27. § 13.

3. And the Board, if indispensable, may grant suspensions not to extend beyond the current year, reporting the amount to Government. 1793 *R.* 2. § 42.

4. The Board of Revenue shall not grant any remissions of balances without the sanction of Government. 1793 *R.* 2. § 43.

5. The Collector may suspend the demand and report the case to the Board, when the arrear arises from calamity of season, or from any cause other than wilful neglect; and the Board may suspend the enforcement of the current Kist and interest, but shall not grant any ultimate remission without the sanction of Government. *Beng.* 1799 *R.* 7. § 23. *C.* 7.

REMISSION AND ABATEMENT OF JUMMA.

1. No claim for a remission on account of calamity of season will be attended to; but, for all arrears of revenue, the defaulter's land, or an adequate portion, will be invariably sold. *Beng.* 1793 *R.* 1. § 7. A. D. 1793

2. No abatement upon the settlement of a preceding year is to be granted by the Board of Revenue without the sanction of the Governor General in Council. *Beng.* 1793 *R.* 2. § 38.

A. D. 1793

3. The landholders shall not be entitled to any abatement of the fixed assessment in consequence of any Regulations which the Governor General in Council may think proper to make for the protection and welfare of the dependant Talookdars, Rayats and other cultivators of the soil. *Beng.* 1793 *R.* 1. § 8. *C.* 1. *Ben.* 1795 *R.* 27. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 1. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 1.

4. Nor in consequence of not participating in the Sayer collections, if the Governor General in Council should hereafter establish them. *Beng.* 1793 *R.* 1. § 8 *C.* 2. *Ben.* 1795 *R.* 27. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 2. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 2.

5. Nor on account of drought, inundation or other calamity of season. *Beng.* 1793 *R.* 1. § 7.

6. No abatement from the Jumma of the preceding year is to be allowed in Bengal, without the sanction of the Governor General in Council. *Beng.* 1793 *R.* 8. § 70.

7. Nor in Behar. *Beng.* 1793 *R.* 8. § 85.

8. And any occasional diminution on account of calamity of season in Bengal is to be provided for by a progressive Russud, not to extend beyond the third year, unless a further Russud be deemed expedient by the Revenue Board in petty Mehals. *Beng.* 1793 *R.* 8. § 71.

9. And in Midnapoor. *Beng.* 1793 *R.* 8. § 98.

10. The Collector may grant abatements in Midnapoor, on the preceding year's Jumma where absolutely necessary, under an express reserve that it be subject to the confirmation of the Governor General in Council. *Beng.* 1793 *R.* 8. § 92.

11. And for ascertaining the necessity of granting such an abatement, the Collector shall examine the Wasilat and Akhrajat, and ascertain those instances in which the landholders have been under the necessity of selling their lands or effects to make good their stipulations. *Beng.* 1793 *R.* 8. § 89.

12. Proprietors of land shall not demand an increase from the dependant Talookdars; unless the Talookdar, by receiving abatements from his Jumma, should have subjected himself to the payment of an increase. *Beng.* 1793 *R.* 8. § 51. *C.* 1. *Ced. Prov.* 1803 *R.* 47. § 6. *C.* 1.

13. When the Board deem it necessary to grant an abatement on the former Jumma in forming a settlement, the amount of the abatement, and the Jumma proposed, shall be specified in their letter to the Governor General in Council. 1793 *R.* 2. § 60.

14. The compensation to the Malguzaree holders of the Sayer abolished is to be made

made to ſuch as engage for the revenue of their own lands by an abatement of Jumma equal to the amount of their neat collections from the Sayer. *Beng.* 1793. *R.* 27. § 6. *C.* 2. A. D. 1793.

15. And to ſuch whoſe eſtates are farmed or held Khas, will be provided for by an abatement of Jumma on the ſettlement of their lands being made with them. *Beng.* 1793 *R.* 27. § 7. *C.* 2.

16. The compenſation to diſqualified landholders is to be made by an abatement of Jumma equal to the full Sayer, unleſs the aſſeſſment of their lands ſhould have been made on the land aſſets only, in which caſe an abatement ſhall be allowed of only one tenth compenſation. *Beng.* 1793 *R.* 27. § 8.

17. An abatement for the Sayer aboliſhed is to be made from the fixed Jumma of the Mokururee leaſes continued in force during the lives of the leſſees. *Beng.* 1793 *R.* 8. § 16.

18. And thoſe continued in force to the proprietors of the ſoil. *Beng.* 1793 *R.* 8. § 17.

19. A purchaſer of land ſold for recovery of arrears is not liable for ſuſpenſion of revenue unleſs ſpecified in the conditions of ſale; but they are to be recovered from the former proprietor. *Beng.* 1793 *R.* 14. § 28. *Ben.* 1795 *R.* 6. § 34. *Ced. Prov.* 1803 *R.* 26. § 8.

20. And ſimilarly on land ſold in execution of a decree. *Beng.* 1793 *R.* 45. § 15. *Ben.* 1795 *R.* 20. § 15. *Ced. Prov.* 1803 *R.* 26. § 8.

21. The Board ſhall report to the Governor General in Council, their deciſion on the allotment of Jumma upon the ſhares of a divided eſtate, in caſe of a reduction of the fixed aſſeſſment. *Beng. Ben.* 1801 *R.* 1. § 13. *C.* 5. *Ced. Prov.* 1803 *R.* 26. § 48. *C.* 2. A. D. 1801

22. No new allotment of Jumma on the ſhares of a divided eſtate ſhall be deemed valid in the event of any reduction of the fixed aſſeſſment, till approved by the Governor General in Council. *Beng. Ben.* 1801 *R.* 1. § 12. *Ced. Prov.* 1803 *R.* 26. § 60.

23. The abatements from the Jumma granted by the Commiſſioners in Cuttack are confirmed. *Beng.* 1805 *R.* 12. § 3. A. D. 1805

24. Such landholders and farmers in the Ceded Provinces, as have obtained remiſſions from Government, ſhall be conſidered to have fulfilled their engagements if they have diſcharged their whole Jumma with the exception of ſuch remiſſion. *Ced. Prov.* 1805 *R.* 5. § 4.

25. The Tehſildars in Benares ſhall obtain abatements proportioned to the loſſes which may be proved to the ſatisfaction of Government to have ariſen from the impracticability A. D. 1806

of

A. D. 1806 of realizing the balance due from any Zemindar &c. and proportioned to the remissions which Government may in particular cases grant to a Zemindar &c. and to the actual losses which may be proved to the satisfaction of Government to have been sustained in the Amanee lands. *Ben.* 1806 R. 21. § 4.

RENT-FREE LANDS.

WHAT GRANTS ARE VALID OR INVALID.

A. D. 1793 1. All rent-free grants not Badshahee, made previous to the 12th August 1765, with uninterrupted rent-free possession, are valid by whatever authority, and whether by writing or without a writing, if possession were obtained previous; but if possessions were not obtained previous to the above date, or the land have been since subjected to rent by the officers of Government or by order of Government, the grant is not valid. *Beng.* 1793 *R.* 19. § 2. *C.* 1. *Ben.* (previous to the 1st July 1775) 1795 *R.* 41. § 2. *C.* 1. *Ced. Prov.* (previous to the 10th Nov. 1789) 1803 *R.* 31. § 2. *C.* 1. *Cong. Prov.* (previous to the 1st January 1793) 1805 *R.* 8. § 21. *Cuttack* (previous to the 24th October 1793) 1805 *R.* 12. § 18. *C.* 1.

2. And all Badshahee grants, made previous to the 12th August 1765, shall be valid if similarly held in uninterrupted rent-free possession. *Beng.* 1793 *R.* 37. § 2. *C.* 1. *Ben.* (previous to the 1st July 1795) 1795 *R.* 42. § 2. *C.* 2. *Ced. Prov.* (previous to the 1st January 1801) 1803 *R.* 36. § 2. *C.* 2. *Cong. Prov.* (previous to the 1st January 1803) 1805 *R.* 8. § 24. *C.* 4. *Cuttack* (previous to the 14th October 1803) 1805 *R.* 12. § 26. *C.* 2.

3. If the Court, trying a claim to hold land rent-free, should doubt the competence of the officer who assessed the land, the Court shall refer the case to Government for orders. *Beng.* 1793 *R.* 19. § 2. *C.* 2. *R.* 37. § 2. *C.* 2. *Ben.* 1795 *R.* 41. § 2. *C.* 2. *R.* 42. § 2. *C.* 3. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 3. *R.* 36. § 2. *C.* 3. *Cuttack* 1805 *R.* 12. § 18. *C.* 3. § 26. *C.* 3.

4. But no claim shall be heard in the Courts to lands assessed twelve years preceding the date of the suit, without proof of good cause for not preferring the claim earlier. *Beng.* 1793 *R.* 19. § 2. *C.* 2. *R.* 37. § 2. *C.* 2. *Ben.* 1795 *R.* 41. § 2. *C.* 2. *R.* 42. § 2. *C.* 3. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 8. *Cuttack* 1805 *R.* 12. § 18. *C.* 8. § 25.

5. Grants for the life of the grantee, or tenures which from their nature according to the custom of the country are life tenures, shall not be valid for any person not the original grantee. *Beng.* 1793 *R.* 19. § 2. *C.* 2. *R.* 37. § 2. *C.* 3. *Ben.* 1795 *R.* 41.

§ 2.

§ 2. C. 3. R. 42. § 2. C. 4. Ced. Prov. 1803 R. 31. § 2. C. 4. R. 36. § 2. C. 4. A. D. 1793
Cuttack 1805 R. 12. § 18. C. 4. § 26. C. 4.

6. Nor for the heir of the present grantee: nor shall any grant, not specifically hereditary, be confirmed to an heir unless proved to be hereditary from its nature according to the custom of the country. *Beng.* 1793 *R.* 19. § 2. *C.* 4. *R.* 37. § 2. *C.* 4. *Ben.* 1795 *R.* 41. § 2. *C.* 4. *R.* 42. § 2. *C.* 5. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 5. *R.* 36. § 2. *C.* 5. *Cuttack* 1805 *R.* 12. § 18. *C.* 5. § 26. *C.* 5.

7. Unless confirmed as hereditary by Government, or an officer of Government; and, if the Court trying a claim to such land should doubt the competence of the officer, the case shall be reported to Government for orders. *Beng.* 1793 *R.* 19. § 2. *C.* 5. *Ben.* 1795 *R.* 41. § 2. *C.* 5.

8. And if successions have taken place before the date of the Dewannee, the case shall be referred to Government for orders. *Beng.* 1793 *R.* 19. § 2. *C.* 4. *Ben.* 1795 *R.* 41. § 2. *C.* 4. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 5.

9. Grants, not registered within the period limited, nor subsequently admitted on the register by the Governor General in Council, are invalid. *Beng.* 1793 *R.* 19. § 27. *R.* 37. § 22. *Ben.* 1795 *R.* 41. § 27. *R.* 42. § 22. *Ced. Prov.* 1803 *R.* 31. § 22. *R.* 36. § 22.

10. Grants, made since the 1st December 1790, by any other authority than Government, are null and void; and no length of possession shall be considered to give validity to them. *Beng.* 1793 *R.* 19. § 10. *Ben.* (since 1195) 1795 *R.* 41. § 10.

11. No lapse of time shall be considered a bar to the resumption of land held rent-free on invalid grants. *Beng.* 1793 *R.* 19. § 12. *R.* 37. § 7. *Ben.* 1795 *R.* 41. § 12. *R.* 42. § 7. *Ced. Prov.* 1803 *R.* 31. § 7. *R.* 36. § 7.

12. Any grant forged, or in which the name of the original grantee has been erased, and any other name substituted, or any name inserted, or the denomination of the tenure erased or altered, or the date changed or antedated, is void. *Beng.* 1793 *R.* 19. § 17. *R.* 37. § 12. *Ben.* 1795 *R.* 41. § 17. *R.* 42. § 12. *Ced. Prov.* 1803 *R.* 31. § 12. *R.* 36. § 12.

13. And persons concerned in such transactions shall be committed for trial before the Court of Circuit. *Beng.* 1793 *R.* 19. § 18 *R.* 37. § 13. *Ben.* 1795 *R.* 41. § 18. *R.* 42. § 13. *Ced. Prov.* 1803 *R.* 31. § 13. *R.* 36. § 13.

14. All rent-free grants made between the 12th August 1765, and 1st December 1790, and not confirmed by Government, nor by an officer of competent authority,

A. D. 1793 ty, are not valid. *Beng.* 1793 *R.* 19. § 3. *C.* 1. *R.* 37. § 3. *C.* 1. *Ben.* (between 1st July 1775, and the year 1796) 1795 *R.* 41. § 3. *C.* 1. *R.* 42. § 3. *C.* 1. *Ced. Prov.* (since the 1st January 1801) 1803 *R.* 31. § 3. *C.* 1. *R.* 36. § 3. *C.* 1. *Cuttack* (since the 14th October 1803) 1805 *R.* 12. § 19 & 27. *Conq. Prov.* (since the 1st January 1803) 1805 *R.* 8. § 21 & 24. *C.* 4.

15. Except grants of the Provincial Councils, not exceeding 100 Rupees annual produce, made previous to 1178 B. S. or 1179 F. S. *Beng.* 1793 *R.* 19. § 3. *C.* 3.

16. And bonâ fide religious and charitable endowments not exceeding ten Beghas, made previous to 1178 B. S. or 1179 F. S. *Beng.* 1793 *R.* 19. § 3. *C.* 4. *Ben.* (previous to the 1st July 1775) 1795 *R.* 41. § 3. *C.* 3. *Ced. Prov.* (previous to the 1st January 1801) 1803 *R.* 31. § 2. *C.* 7. *Cuttack* (previous to the 14th October 1803) 1805 *R.* 12. § 18. *C.* 7. *Conq. Prov.* (previous to the 1st January 1803) 1805 *R.* 8. § 21.

17. If a Court should doubt the competence of the officer confirming a grant, the case shall be reported to Government for orders. *Beng.* 1793 *R.* 19. § 3. *C.* 2. *R.* 37. § 3. *C.* 2. *Ben.* 1795 *R.* 41. § 3. *C.* 2. *R.* 42. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 31. § 3. *C.* 2 *R.* 36. § 3. *C.* 2. *Cuttack* 1805 *R.* 12. § 20 & 28.

18. Life tenures of rent-free lands are not to be sold, transferred, nor mortagaged, beyond the life of the holder. *Beng.* 1793 *R.* 19. § 2. *C.* 5. *R.* 37. § 2. *C.* 5. *Ben.* 1795 *R.* 41. § 2. *C.* 5. *R.* 42. § 2. *C.* 6. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 5. *R.* 36. § 2. *C.* 6. *Cuttack* 1805 *R.* 12. § 18. *C.* 6. and 26. *C.* 6.

19. Grants, which are hereditary from the terms of the grant or the nature of the tenures, are transferrible; but such transfer is not to bar the claim of Government to resume them if proved to be not hereditary, and is to be recorded within six months in the Collector's office. *Beng.* 1793 *R.* 19. § 20. *R.* 37. § 15. *Ben.* 1795 *R.* 41. § 20. *R.* 42. § 15. *Ced. Prov.* 1803 *R.* 31. § 15. *R.* 36. § 15.

20. The rules for life tenures are equally applicable to grants for terms of years. *Beng.* 1793 *R.* 19. § 47. *Ben.* 1795 *R.* 41. § 47. *Ced. Prov.* 1803 *R.* 31. § 43.

21. These rules are not to affect any grant made or confirmed by the Superintendents of the Bazee Zumin Dufter in Bengal. 1793 *R.* 19. § 48.

A. D. 1795 22. Lakheraj lands in Benares are not to be attached, without the sanction of Government, by the Pottahdars or Aumils; and, if any new grants be made by them, the land shall be forfeited to Government, and double revenue collected from the grantee while he shall have held it. *Ben.* 1795 *R.* 2. § 14. *C.* 3.

23. No rent-free grants of land in the neighbourhood of the city of Benares, for gardens, places of worship &c. are to be made without the sanction of Government. *Ben.* 1795 *R.* 2. § 28. A. D. 1795

24. Malikana lands, assigned in 1781 to dispossessed Zemindars, are to be attached by the Collector on the demise of the incumbent, and are not to descend to heirs without express orders of Government. *Ben.* 1795 *R.* 42. § 3. *C.* 2.

25. The Courts in Benares have no jurisdiction in suits for the resumption of rent-free lands in the Jageer Mehals of Budhoee and Kera Mungrore, nor the Raja's Zemindaree of Gungapoor: such complaints are to be preferred to the Raja and his officers, or the Collector. *Ben.* 1795 *R.* 15. § 3.

26. Badshahee grants in Benares include, 1st, royal grants; 2d, grants by the Soobadars of Oude; 3d, grants by the British Government. *Ben.* 1795 *R.* 42. § 2. *C.* 1.

27. All grants not Badshahee, in the Ceded Provinces, by whatever authority, and with or without a writing, made previous to 10th November 1789, are valid, provided the grantee obtained actual possession previous to that date, and the land have not been since subjected to rent by the orders or officers of Government. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 1. A. D. 1803

28. And any grants made between the 10th November 1789 and 1st January 1801 by whatever authority, if expresly confirmed by the existing Government and not afterwards resumed by the orders or officers of Government. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 2.

29. And Badshahee grants made previous to 1st January 1801, if similarly held in uninterrupted rent-free possession. *Ced. Prov.* 1803 *R.* 36. § 2. *C.* 4.

30. Badshahee grants in the Ceded Provinces are, 1st, royal grants; 2d, grants by the Soobadars of Oude and the Nuwabs of Furrokhabad; 3d, grants by the Princes of Rohilkhund prior to 23d April 1774. *Ced. Prov.* 1803 *R.* 36. § 2. *C.* 1.

31. If it should appear, that the resumption of land exceeding ten Beghas appropriated to religious or charitable purposes would be productive of distress, the Court shall report the case to Government for orders. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 7.

32. The 1st January 1792 and 1st January 1803 are fixed, in the Conquered Provinces and Bundelkhund, as the dates for the validity of rent-free grants not Badshahee. *Ben. Ced. Prov.* 1805 *R.* 8. § 21. A. D. 1805

33. Badshahee grants in the Conquered Provinces and Bundelkhund include 1st, royal grants; 2d, grants made by Doulut Rao Sindia and his predecessors in the

Conquered

A. D. 1805 Conquered Provinces; 3d, grants made by the Peshwa or his predecessors in Bundelkhund. *Ben. Ced. Prov.* 1805 *R.* 8. § 24. *C.* 2.

34. And if any grants shall have been made by any other authority, a report of the case shall made to the Governor General in Council, who will declare them valid or not. *Ben. Ced. Prov.* 1805 *R.* 8. § 24. *C.* 3.

35. The 1st January 1803 is fixed in the Conquered Provinces and Bundelkhund as the date for the validity of Badshahee grants. *Ben. Ced. Prov.* 1805 *R.* 8. § 24. *C.* 4.

36. All grants not Badshahee, in Cuttack, by whatever authority and with or without a writing, made previous to the 14th October 1791 are valid, provided the grantee obtained actual possession previous to that date, and the land have not been subjected to rent by the orders or officers of Government. *Beng.* 1805 *R.* 12. § 18. *C.* 1.

37. And grants made between the 14th October 1791 and 14th October 1803, by whatever authority, if expresly confirmed by the existing Government, and not afterwards resumed by the orders or officers of Government. *Beng.* 1805 *R.* 12. § 18. *C.* 2.

38. And Badshahee grants made previous to the 14th October, if similarly held in uninterrupted rent-free possession. *Beng.* 1805 *R.* 12. § 26. *C.* 2.

39. Badshahee grants in Cuttack are 1st, royal grants; 2d, grants by the Soobas of Orissa; 3d, grants by the Rajas of Berar. *Beng.* 1805 *R.* 12. § 26. *C.* 1.

40. This Regulation shall not authorize the resumption of the rents of any lands granted by the Rajas of Berar or any actual proprietor, as endowments of the temple of Jugunnaut or for other similar purposes. *Beng.* 1805 *R.* 12. § 8.

41. Nor the rents of any lands appropriated to the purposes of Police. *Beng.* 1805 *R.* 12. § 9.

II. *RULES FOR RESUMPTION AND ASSESSMENT.*

A. D. 1793 1. The assessment, which Government may impose on rent-free lands held by invalid titles, will belong exclusively to Government. *Beng.* 1793 *R.* 1. § 8. *C.* 3. *Ben.* 1795 *R.* 27. § 5. *C.* 3. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 3. *Conq. Prov.* 1805 *R.* 9. § 25. *C.* 3.

2. The revenue of resumed land not exceeding 100 Beghas in any one grant made previous to 1st December 1790, reverts to the person responsible for the revenue of the estate in which the land is situated, without subjecting him to any additional payment; or to the person entitled to receive the revenue, if the estate be held Khas. *Beng.* 1793 *R.* 19. § 6. *Ben.* (not exceeding 50 Beghas made previous to 1196) 1795 *R.* 41. § 6.

3.

3. And of grants made since 1st December 1790 by any authority except Government, whether more or less than 100 Beghas. *Beng.* 1793 *R.* 19. § 10. *Ben.* (for grants since 1195) 1795 *R.* 41. § 10. A. D. 1795

4. The revenue of land exceeding 100 Beghas belongs to Government. *Beng.* 1793 *R.* 19. § 7. *Ben.* (exceeding fifty Beghas) 1795 *R.* 41. § 7.

5. And of resumed or escheated Badshahee grants. *Beng.* 1793 *R.* 37. § 6. *Ben.* 1795 *R.* 42. § 6. *Ced. Prov.* 1803 *R.* 36. § 6.

6. Landholders &c. may resume, without suit in Court, grants for not more than 100 Beghas not registered as required. *Beng.* 1793 *R.* 19. § 26. *Ben.* (for fifty Beghas) 1795 *R.* 41. § 26.

7. And grants made since 1st December 1790, whether exceeding or under 100 Beghas. *Beng* 1793 *R.* 19. § 10. *Ben.* (since 1195) 1795 *R.* 41. § 10.

8. And must sue for the resumption of any other land, under penalty of damages if they resume it without suit *Beng.* 1793 *R.* 19. § 11. *Ben.* 1795 *R.* 41. § 11.

9. And subject to damages if the suit be found vexatious. *Beng.* 1793 *R.* 19 § 16. *Ben.* 1795 *R.* 41. § 16.

10. Tehsildars of Khas estates shall sue on behalf of the proprietor, under orders of the Collectors, for grants lapsing to the estate. *Beng.* 1793 *R.* 19. § 11. *Ben.* 1795 *R.* 41. § 11.

11. And are required to dispossess persons holding under grants made since the 1st December 1790, whether exceeding or under 100 Beghas. *Beng.* 1793 *R.* 19. § 10. *Ben.* (since 1195) 1795 *R.* 41. § 10.

12. Managers for disqualified proprietors and undivided estates are to exercise the same powers on behalf of the estate. *Beng.* 1793 *R.* 19. § 10. *Ben.* 1795 *R.* 41. § 10.

13. The Collectors are to report to the Board of Revenue all grants which they conceive resumable; and, with leave of the Board, may call on the grantee to produce his deeds, by a written requisition officially signed and sealed: in case of refusal, the grantee may be fined daily by the Board until he comply with a second requisition, which the Collector shall make: and if the grantee still refuse or deny having any deeds, the lands shall be attached, and his deeds shall not be, in case of a suit, received in evidence by the Court without good cause shown for the non-production of them, and proof that the same cause was assigned to the Collector: but, without a previous order of the Board, no Collector shall require any person to produce his deeds, except for the registering of them. *Beng.* 1793 *R.* 19. § 14. *R.* 37. § 9. *Ben.* 1795 *R.* 41. § 14. *R.* 42. § 9. *Ced. Prov.* 1803 *R.* 31. § 9. *R.* 36. § 9.

A. D. 1793

14. The Collectors, if ordered by the Board, are to sue for the resumption of resumable rent-free grants. *Beng.* 1793 *R.* 19. § 12. *R.* 37. § 7. *Ben.* 1795 *R.* 41. § 12. *R.* 42. § 7. *Ced. Prov.* 1803 *R.* 31. § 7. *R.* 36. § 7.

15. And are to carry on suits now pending on the prosecution of the Collector's Assistants. *Beng.* 1793 *R* 19. § 14. *R.* 36. § 9.

16. And are to defend all suits brought against Government on claims to hold lands rent-free. *Beng.* 1793 *R.* 19. § 15 *R.* 37. § 10. *Ben.* 1795 *R.* 41. § 15. *R.* 42. § 10. *Ced. Prov.* 1803 *R.* 31. § 10. *R.* 36. § 10.

17. Suits, now pending on the prosecution of the Collector's Assistants, shall not be proceeded in without the sanction of the Board; nor is any suit to be instituted by a Collector without previous orders of the Board. *Beng.* 1793 *R.* 19. § 14. *R.* 37. § 9. *Ben.* 1795 *R.* 41 § 14 *R.* 42. § 9. *Ced. Prov.* 1803 *R.* 31. § 9. *R.* 36. § 9.

18. The Board may order suits to be instituted without any previous report of the Collectors. *Beng.* 1793 *R.* 19. § 14. *R.* 37. § 9. *Ben.* 1795 *R.* 41 § 14. *R.* 42. § 9. *Ced Prov.* 1803 *R.* 31. § 9 *R.* 36. § 9.

19. All such suits are to be prosecuted and defended at the expense and by the Vakeel of Government under the Collector's instructions; and if Government be cast, Sections 30 &c Regulation 14 of 1793 are applicable to these suits: but if the Board do not deem it proper to order an appeal, they shall report to the Governor General in Council their reasons. *Beng.* 1793 *R* 19. § 15. *R* 37. § 10. *Ben.* 1795 *R.* 41 § 15. *R.* 42 § 10. *Ced. Prov* 1803 *R.* 31. § 10. *R.* 36. § 10.

20. The Collectors are to receive a commission of twenty-five per cent on the revenue assessed upon such lands as may be resumed at their suit, payable to the Collector who prosecutes to final judgment; unless the Governor General in Council should give the whole or a part to any of his predecessors. *Beng.* 1793 *R.* 19. § 13. *R.* 37. § 8. *Ben.* 1795 *R.* 41. § 13 *R* 42. § 8. *Ced Prov.* 1803 *R.* 31. § 8 *R.* 36. § 8.

21. And may be cast in damages if the suit be found vexatious or groundless. *Beng.* 1793 *R.* 19. § 16. *R.* 37. § 11. *Ben.* 1795 *R.* 41. § 16. *R.* 42. § 11. *Ced. Prov.* 1803 *R.* 31. § 11. *R.* 36. § 11.

22. Grants are to be registered within a year from a publication which shall be made for them. *Beng.* 1793 *R.* 19 § 24. *R.* 37. § 19. *Ben.* 1795 *R.* 41. § 24. *R.* 42. § 19. *Ced. Prov.* 1803 *R.* 31. § 19. *R* 36. § 19.

23. If not so registered, are declared liable to be assessed by the Collector if exceeding 100 Beghas, or by the landholder &c. if under 100 Beghas: but Government may admit such grants on the register, and the Board shall report the cases of persons

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who appear entitled to be admitted. *Beng.* 1793 *R.* 19. § 26. *R.* 37. § 21. *Ben.* 1795 *R.* 41. § 26. *R.* 42. § 21. *Ced. Prov.* 1803 *R.* 31. § 21. *R.* 36. § 21. *C.* 1.

24. And if not so registered, nor subsequently admitted by Government on the register, shall be assessed. *Beng.* 1793 *R.* 19. § 27. *R.* 37. § 22. *Ben.* 1795 *R.* 41. § 27. *R.* 42. § 22. *Ced. Prov.* 1803 *R.* 31. § 22. *R.* 36. § 22.

25. Escheated Badshahee grants shall be attached by the Collector and reported through the Board to Government. *Beng.* 1793 *R.* 37. § 5. *Ben.* 1795 *R.* 42. § 5. *Ced. Prov.* 1803 *R.* 36. § 5.

26. The settlement of resumed lands not Badshahee is to be made with the grantees, who are to be considered as the proprietors until ousted by a decree of a Civil Court. *Beng.* 1793 *R.* 19 § 4. *Ben.* 1795 *R.* 41. § 4. *Ced. Prov.* 1803 *R.* 31. § 4.

27. Such land, if not exceeding 100 Beghas in any one grant, shall be considered as a dependant Talook. *Beng.* 1793 *R.* 19. § 6.

28. And if exceeding 100 Beghas, as an independent Talook. *Beng.* 1793 *R.* 19. § 7.

29. The settlement of resumed Badshahee grants is to be made with the proprietor of the soil. *Beng.* 1793 *R.* 37. § 6. *Ben.* 1795 *R.* 42. § 6. *Ced. Prov.* 1803 *R.* 36. § 6.

30. The assessment on grants anterior to 1178-9 is to be half of the annual produce according to the Pergunna rates (with a Russud for waste land as regulated by the Board with the sanction of Government) to be ascertained by measurement at the joint expense of Government and the proprietor if he agree to the assessment, or by any other mode deemed advisable by the Collector with the sanction of the Board; if the proprietor agree to the assessment, it shall be invariable for him and his heirs; and, if he refuse, the lands shall be held Khas or farmed. *Beng.* 1793 *R.* 19. § 8 *C.* 2. *Ben.* (on grants made previous to the 31st August 1781) 1795 *R.* 41. § 8. *C.* 2.

31. The assessment on grants made since 1178-9, is to be formed according to Regulation 8, after ascertaining the produce as above; and is to be invariable if he agree: but, if he refuse, the lands shall be held Khas or farmed. *Beng.* 1793 *R.* 19. § 8. *C.* 2. *Ben.* (on grants made previous to the 31st August 1781) 1795 *R.* 41. § 8. *C.* 3.

32. The assessment on grants lapsed to the landholder &c. is to be fixed under the same rules by the Collector, (reporting it to the Board who may increase or reduce the amount,) but without any expense to the grantee. *Beng.* 1793 *R.* 19. § 9. *Ben.* 1795 *R.* 41. § 9.

A. D. 1793 33. The assessment on resumed or escheated Badshahee grants is to be made under the rules for the decennial settlement; and if the proprietor decline to pay the Jumma assessed, the land shall be farmed or held Khas. *Beng.* 1793 *R.* 37. § 6. *Ben.* 1795 *R.* 42. § 6. *Ced. Prov.* 1803 *R.* 36. § 6.

34. Holders of resumed rent-free grants are not liable to refund the collections made previous to resumption nor shall they pay revenue except from the date of the first decree of resumption. *Beng.* 1793 *R.* 19. § 17. *R.* 39. § 14. *Ben.* 1795 *R.* 41. § 19. *R.* 42. § 14. *Ced. Prov.* 1803 *R.* 31. § 14. *R.* 36. § 14.

A. D. 1785 35. The Collectors shall receive a commission of twenty-five per cent on the revenue assessed upon rent-free lands, which may be finally resumed for the omission of registering them within the prescribed period; and such commission shall be payable to the Collector who discovered the omission, unless the Governor General in Council should grant the whole, or a part, to any other Collector: and if a permanent settlement be not made for any resumed rent-free land, the commission shall be calculated, on what the Governor General in Council may deem an equitable Jumma. *Beng.* 1795 *R.* 58. § 2. *Ced. Prov.* 1803 R. 36. § 21. *C.* 2.

A. D. 1800 36. Rent-free grantees are allowed one year further for registering their grants as required by Section 25, Regulation 19, and Section 20, Regulation 37 of 1793, Section 25, Regulation 41, and Section 20, Regulation 42 of 1795. *Beng. Ben.* 1800 *R.* 8. § 19.

A. D. 1803 37. The revenue, in all resumed rent-free land in the Ceded Provinces, belongs to Government. *Ced. Prov.* 1803 *R.* 31. § 5. *C.* 1. *Cuttack* 1805 *R.* 12. § 22. *C.* 1.

38. The assessment of rent-free grants not Badshahee in the Ceded Provinces is to be formed under the rules for assessing all other lands: but, if the proprietor shall not agree to the assessment, the case shall be reported by the Collector through the Board to the Governor General in Council, who will determine on the assessment; and if the proprietor still refuse to engage for it, the land shall be farmed or held Khas. *Ced. Prov.* 1803 *R.* 31. § 5. *C.* 2. *Cuttack* 1805 *R.* 12. § 22. *C.* 2.

39. The assessment of Badshahee grants shall be formed under the same rules; and, if the proprietor refuse to engage, the lands shall be held Khas, or let in farm. *Ced. Prov.* 1803 *R.* 36. § 6.

III. *MISCELLANEOUS RULES.*

A. D. 1793 1. No grant for rent-free land is to be made or confirmed, nor succession thereto confirmed, by the Board of Revenue, without the sanction of Government. 1793 *R.* 2. § 46.

2. The Collectors are to prosecute for the resumption of rent-free lands held by invalid titles. *Beng.* 1793 *R.* 2. § 8. *C.* 5. *R.* 19. § 17. *R.* 32. § 7. *Ben.* 1795 *R.* 5. § 7. *C.* 5. *R.* 41. § 12. *R.* 42. § 7. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 5. *R.* 31. § 7. *R.* 36. § 7. A. D. 1793

3. No appeal lies to the Sudder Dewannee Adaulut from decrees of the Provincial Courts of Appeal concerning rent-free lands, unless the annual produce exceed 100 Rupees. *Beng.* 1793 *R.* 5. § 30. *R.* 6. § 10. ext. *Ben.* 1795 *R.* 9. § 6. *R.* 10. § 2. Re-enacted 1798 R. 5 § 8

4. The public assessment on Malguzaree estates is to be fixed exclusive of all rent-free lands, whether held with or without due authority. *Beng.* 1793 *R.* 8. § 36.

5. Proprietors of rent-free land, whose annual produce is 1000 Rupees, may be fined as far as 200 Rupees, for offences punishable by the Magistrates. *Beng.* 1793 *R.* 9. § 6. ext. *Ben.* 1795 *R.* 16 § 4 *C* 1 *Ced. Prov.* 1803 *R.* 6. § 8.

6. Disputes about the proprietary right of rent-free lands are to be decided in the Civil Courts. *Beng.* 1793 *R.* 19. § 4 *R.* 37. § 4. *Ben.* 1795 *R.* 41. § 4. *R.* 42. § 4. *Ced. Prov.* 1803 *R.* 31. § 4 *R.* 36. § 4.

7. Altumghadars and Jageerdars may be Commissioners for trying civil suits; and so may the managers of their estates. *Beng.* 1793 *R.* 40. § 5. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced Prov.* 1803 *R.* 36. § 3. *C.* 5.

8. Rent-free lands may be sold in satisfaction of decrees under the same rules with Malguzaree lands; but such sale is no bar to the claim of Government for the recovery of the public dues on the land. *Beng.* 1793 *R.* 45. § 17. *Ben.* 1795 *R.* 20. § 17. *Ced. Prov.* 1803 *R* 26. § 26.

9. Suits for Lakheraj land not exceeding twenty Rupees annual produce may be referred to the Registers of Civil Courts. *Beng.* 1793 *R.* 13. § 6. ext. *Ben.* 1795 *R.* 12. § 2. Re-enacted 1794 R. 8 § 3

10. The plaint in a suit concerning Lakheraj land is to state as accurately as practicable the annual produce. *Beng.* 1793 *R.* 4. § 3. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 3.

11. The pleaders fee, in suits for rent-free land, are to be calculated on the annual produce. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2. Modified 1798 R. 5 § 10 C. 3

12. The compensation for the abolished Sayer to the Lakheraj holders is to be paid in money by the Collector of the district, in quarterly payments. *Beng.* 1793 *R.* 27. § 6. *C.* 1.

A. D. 1794 13. Suits for Lakheraj land not exceeding twenty Rupees annual produce, may be referred to the Registers of the Civil Courts. *Beng.* 1794 *R.* 8. § 3. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 6.

A. D. 1795 14. Every decree affecting the right in, or possession of, rent-free land shall be sent by the Zilla or City Courts to the Collectors and the Board of Revenue in twenty days from passing it or receiving it for execution. *Beng. Ben.* 1795 *R.* 58. § 3. *Ced. Prov.* 1803 *R.* 31. § 40. *R.* 36. § 43.

A. D. 1796 15. Rent-free lands belonging to a disqualified landholder may be placed under the Court of Wards by order of Government. *Beng.* 1796 *R.* 3. § 2. *Ced. Prov.* 1803 *R.* 52. *R.* 7.

16. Holders of rent-free lands, who resist process of Police officers or Magistrates, shall forfeit their land. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 2. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 2.

17. Unless the Governor General in Council or Nizamut Adaulut commute the forfeiture for a fine. *Beng. Ben.* 1796 *R.* 11. § 3. *Ced. Prov.* 1804 *R.* 3. § 3.

A. D. 1797 18. The holder of rent-free land may be fined by the Board of Revenue daily, till he comply with the Collector's written requisition of accounts for ascertaining the produce of the lands, when the division, union or transfer of them is registered. *Beng. Ben.* 1797 *R.* 15. § 4. *Ced. Prov.* 1803 *R.* 23. § 11.

19. A fee of two and half per cent on the annual produce is to be paid on registering a division or union. *Beng. Ben.* 1797 *R.* 15. § 2. *C.* 3. *Ced. Prov.* 1803 *R.* 23. § 9. *C.* 3.

20. Or a transfer. *Beng. Ben.* 1797 *R.* 15. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 23. § 10. *C.* 3.

21. The institution fee &c. in suits for rent-free land, are to be calculated on ten times the annual produce. *Beng. Ben.* 1797 *R.* 6. § 4. *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 4. *C.* 4.

22. And the stamp duty, in suits regarding rent-free land, is to be taken on the same calculation. *Beng. Ben.* 1797 *R.* 6. § 17. *Ced. Prov.* 1803 *R.* 43. § 13.

23. Suits for rent-free lands not exceeding five Rupees annual produce may be referred in Chittagong to native Commissioners. *Beng.* 1797 *R.* 18. § 2.

A. D. 1798 24. An appeal to the Sudder Dewannee Adaulut in suits for rent-free lands is not to be allowed unless the annual produce exceed 500 Rupees. *Beng. Ben.* 1798 *R.* 5. § 2. *Ced. Prov.* 1803 *R.* 4. § 12. *R.* 5. § 10.

25.

25. The pleader's fees in suits for Lakheraj land are to be calculated on ten times the annual produce. *Beng. Ben.* 1798 *R.* 5. § 10. *C.* 3. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 4. A. D. 1798

26. Rent-free proprietors may be fined in the discretion of Government for not notifying to the Collector, or for misrepresenting, their succession to, or acquisition of, an estate. *Beng. Ben.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42. § 41. A. D. 1800

27. They are to forfeit 5,000 Rupees, if any private salt works be proved to exist on their estates. *Beng.* 1801 *R.* 6. § 7. *C.* 3.

28. Suits for rent-free land not exceeding ten Rupees annual produce may be referred to a head Commissioner. *Beng. Ben.* 1803 *R.* 49. § 9. *C.* 1. *Ced. Prov.* 1803 *R.* 16. § 26. *C.* 1. A. D. 1803

29. And suits not exceeding fifty Rupees annual produce, to a Register, in the Judge's discretion. *Beng. Ben.* 1803 *R.* 49. § 6. *C.* 1. *Ced. Prov.* 1805 *R.* 8 § 16. *C.* 1.

30. Holders of rent-free land in Cuttack, suspected of conniving at robbery or other offences, shall be prosecuted before the Criminal Courts, and punished according to law. *Beng.* 1805 *R.* 13. § 9. A. D. 1805

IV. *RULES FOR REGISTERING SUCH LANDS.*

Rules for the Quinquennial Register, *vide* Registry. II. page 761.

Subsidiary Rules for ditto, *vide* Registry. III. page 765.

Rules for the Pergunna Register, *vide* Registry. IV. page 767.

RESIGNATION AND REMOVAL OF PUBLIC OFFICERS.

1. No Collector shall depart from his station until he shall have either delivered charge to his successor or his Assistant, and notified it to the Board of Revenue, and received their sanction for his departure, or shall have received a special permission from the Board, which is to be granted only in particular cases. *Beng.* 1793 *R.* 2. § 27. *Ben.* 1795 *R.* 5. § 25. *Ced. Prov.* 1803 *R.* 25. § 26. A. D. 1793

2. In case of the resignation or removal of a Collector, the senior Assistant on the spot is to perform his duties and shall be obeyed by the public officers. *Beng.* 1793 *R.* 2. § 14. *Ben.* 1795 *R.* 5 § 14. *Ced. Prov.* 1803 *R.* 25. § 13.

3. In case of the resignation or removal of a Collector, the successor is to carry on all unfinished suits and appeals, in which the former Collector was engaged under orders of the Board of Revenue. *Beng.* 1793 *R.* 14. § 42. *Ben.* 1795 *R.* 6. § 48. *Ced. Prov.* 1803 *R.* 27. § 45.

4.

A. D. 1793

4. On the resignation or removal of a Commercial Agent, he is to carry on all official suits, unless the Board of Trade should authorize the successor to carry them on. *Beng.* 1793 *R.* 31. § 23. *Ced. Prov.* 1803 *R.* 37. § 23. ext. *Ben.* 1805 *R.* 4. § 2.

5. The same for salt Agents. *Beng.* 1793 *R.* 29. § 29.

6. Vacancy in a law office of a Court of Judicature by removal or resignation, is to be reported to the Governor General in Council, with the recommendation of a qualified successor. *Beng.* 1793 *R.* 12. § 9. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 9.

7. And in the office of a Pergunna Cazee. *Beng.* 1793 *R.* 39. § 4. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 4.

8. On the resignation or removal of a Pergunna Cazee, the list and papers of his office shall be delivered to the successor. *Beng.* 1793 *R.* 39. § 7. ext. *Ben.* 1795 *R.* 49. § 2. *Ced. Prov.* 1803 *R.* 46. § 7.

9. On the removal, or resignation, or expiration of the commission, of a native Commissioner of lawsuits, the Judge shall nominate a successor for the approbation of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 40. § 27. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 25.

10. And the papers in all causes depending before the late Commissioner shall be delivered to the successor, or otherwise disposed of as the Judge may direct *Beng* 1793 *R.* 40. § 27. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 10. § 25.

11. On the removal or resignation of a native pleader, he shall not be entitled to fees on any causes, wherein he was engaged, which may be subsequently decided. *Beng.* 1793 *R.* 7. § 10. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 9.

12. No Judge of a Provincial Court of Appeal shall quit his station without leave of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 47. § 6. ext. *Ben.* 1795 *R.* 25. § 2. *Ced. Prov.* 1803 *R.* 15. § 6.

Re-enacted 1794 R. 7 § 7

13. Nor a Judge of a Court of Circuit without leave of the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 43.

A. D. 1794

14 On the removal or resignation of a native officer in charge of public money or accounts, the Collector is to grant him an acquittance after he shall have delivered up all papers or money committed to his charge. *Beng.* 1794 *R.* 3. § 15. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 2.

15. No Judge of a Court of Circuit shall quit his station without leave of the Nizamut Adaulut. *Beng.* 1794 *R.* 7. § 7. ext. *Ben.* 1795 *R.* 16. § 18. *Ced. Prov.* 1803 *R.* 7. § 31.

16.

16. On the removal of a Customs Master he is to carry on all official suits, unless the Board of Trade should authorize the successor to carry them on. *Beng. Ben.* 1795 *R.* 39. § 29. *Ced. Prov.* 1804 *R.* 11. § 48. A. D. 1795

17. No Judge or Magistrate of a Zilla or City shall quit his station without the sanction of the Governor General in Council. *Beng. Ben.* 1796 *R.* 4. § 2. *Ced. Prov.* 1803 *R.* 2. § 23. *C.* 1. A. D. 1796

18. On the removal of an Opium Agent, he is to carry on all official suits, unless the Board of Trade should authorize the successor to carry them on. *Beng. Ben.* 1799 *R.* 6. § 34. A. D. 1799

19. The resignation of the head officer of any department shall be received and recorded in open Court or Cuchery, by the authority under which he is employed; and shall be transmitted, through the Superior Court or Board, to the Governor General in Council. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 5. A. D. 1804

20. And shall be forwarded to the Governor General in Council by the Superior Court or Board, with an opinion whether any objections occur to accepting the resignation. *Beng. Ben Ced. Prov.* 1804 *R.* 5. § 8.

21. The above rules include the law officers of the Court, the Cazees, Record-keepers, Police Daroghas, and Tehsildars in charge of Police. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 10.

22. And may be extended by the Governor General in Council to any other officers. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 11.

23. The resignation of a native officer receiving a monthly salary of ten Rupees or upwards shall be similarly received and transmitted to the Sudder Dewannee or Nizamut Adaulut, the Board of Revenue or Trade respectively. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 16.

24. And the said Courts or Boards may sanction or not such resignation. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 18.

25. The above rules include Commissioners of lawsuits, Khezanchees of Collectorships, and Tehsildars in Bengal, Behar and Orissa; and may be extended by an order of Government to any other officers. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 19.

RESISTANCE OF PROCESS.

I. *IN JUDICIAL MATTERS.*

1. Any proprietor of land or dependant Talookdar, credibly charged on oath with resistance to the process of a Zilla Court, shall be summoned; and, if convicted on A. D. 1793

A. D. 1793

trial, shall be adjudged to have forfeited the estate in which the resistance was made: a decree by a Zilla Court, if not appealed or if confirmed in appeal, or a decree passed by a Provincial Appeal Court if not appealed or not appealable, or a decree passed by the Sudder Dewannee Adaulut, shall be sent to the Governor General in Council by the Court which passed the final decree: if the Governor General in Council should not in four weeks commute the forfeiture for a fine, or pass any order thereon, the decree shall stand good: in such case, or if the Governor General in Council confirm the decree, the Court which passed the final decree shall direct the Collector by precept to sequester the land by an Ameen whose establishment shall be specified in the precept; or, if the estate be deemed too inconsiderable, by the nearest Tehsildar or other officer: if the Governor General in Council should commute it for a fine, the Court which passed the final decree, on receiving notice thereof, shall levy the fine by the usual process of execution *Beng.* 1793 *R.* 4. § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23.

Modified 1795 R. 9 § 2 & 3

2. The same for resistance to the Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23. *C.* 1.

3. And to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24 ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 24.

4. Government may confer the forfeited estate on the offender's heirs, on their agreeing to discharge the revenue payable from it to Government, (or, if a dependant Talook, to the Zemindar,) or may order it to be sold. *Beng.* 1793 *R.* 4. § 23. *Ben.* 1795 *R.* 8. § 26. *Ced. Prov.* 1803 *R.* 3. § 24.

5. The same in the case of resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 24. *Ben.* 1795 *R.* 9. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 4. § 24.

6. And to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 25. *Ben.* 1795 *R.* 10. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 5. § 25.

7. Any Sudder farmer, similarly charged with resistance to the process of a Zilla Court, shall, on conviction as above, be adjudged to forfeit his lease; the decree shall be similarly sent to the Governor General in Council, and stand good if not commuted in four weeks: if the decree stand good or be confirmed by the Governor General in Council, the Court shall send a copy of the decree to the Collector: if the Governor General in Council commute it for a fine, the Court shall levy the fine. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 1.

Modified 99 R. 9 § 2 & 3

8. The same for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6 *Ced. Prov.* 1803 *R.* 4. § 25.

9.

9. And to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

10. If the lease be annulled, the Collector shall proceed against him and his surety for any balance due on the farm at the close of the year; and the farmer also may proceed against the tenants for any rents due to the farmer while the lease was in force. *Beng.* 1793 *R.* 4. § 24. *Ben.* 1795 *R.* 8. § 7. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 1.

11. The same in the case of resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 25. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 25.

12. And to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 26.

13. Any other person, similarly charged and convicted of resistance to process of a Zilla Court, shall be adjudged to pay a fine to Government according to his situation in life; if the cause be not appealed, or be confirmed in appeal, or be not appealable to the Sudder Dewannee Adaulut, or be passed by the Sudder Dewannee Adaulut, the Court, which passed the final decree, shall levy the fine. *Beng.* 1793 *R.* 4. § 25. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 26.

14. The same for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 26. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 26.

15. And for resistance to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 27 *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 27.

16. No appeal is allowed from a conviction of resistance to the Zilla Courts by landholders, unless the forfeited estate exceed 1000 Rupees annual produce; and the Sudder Dewannee Adaulut are to admit or reject the appeal on the ascertainment of the produce through the Provincial Court of Appeal. *Beng.* 1793 *R.* 4 § 22. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 23. Modified 1799 R. 7 § 24 1800 R. 5 § 23 1805 R. 8 § 7 C. 2

17. The same for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 23. ext. *Ben.* 1795 *R.* 9. § 6. *Ced Prov.* (with limitation to 5000 Rupees) 1803 *R.* 4 § 23. *C.* 1. ditto

18. Nor from a conviction of resistance to the Zilla Courts by a Sudder farmer, unless the Jumma payable from the forfeited farm exceed 1000 Rupees, to be similarly ascertained. *Beng.* 1793 *R.* 4. § 24. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 25 *C.* 1. ditto

19. The same for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 25. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* (with limitation to 5000 Rupees) 1803 *R.* 4. § 25. ditto

20.

A. D. 1793 Modified 1799 R. 7 § 24 1800 R. 5 § 13 1805 R. 8 § 7 C. 2

20. Nor from a conviction of resistance to the Zilla Courts by any other person, unless the fine imposed exceed 1000 Rupees. *Beng.* 1793 *R.* 4. § 25. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 26.

ditto

21. The same for resistance to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 26. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* (with limitation to 5000 Rupees) 1803 *R.* 4. § 26.

Re-enacted 1804 R. 13 § 5

22. The inhabitants of an invalid Thana, whether invalided Sepoys or others, are to pay obedience to the process of the Courts civil and criminal, under pain of such fine or punishment as the Courts are empowered by any Regulation to impose or inflict on persons resisting process. *Beng.* 1793 *R.* 43. § 25.

A. D. 1795

23. The rules of Regulation 4 of 1793, Sections 22 &c. about resistance to process of Zilla Courts, are equally applicable to persons resisting the process of the Benares City Court. *Ben.* 1795 *R.* 8. § 8.

24. The rules of Regulation 5 of 1793, concerning resistance to Appeal Courts, extend to all persons within the jurisdiction of the Benares Provincial Court. *Ben.* 1795 *R.* 9. § 7.

25. And the rules of Regulation 6 of 1793, concerning resistance to the Sudder Dewannee Adaulut, extend similarly to the same persons. *Ben.* 1795 *R.* 10. § 5.

26. When decrees of forfeiture for resistance in Benares to the Zilla Courts are to be executed, the Court shall by precept direct the Collector to attach the lands through the nearest Tehsildar. *Ben.* 1795 *R.* 8. § 5.

27. The same for resistance to the Provincial Court of Appeal. *Ben.* 1795 *R.* 9. § 8.

28. And to the Sudder Dewannee Adaulut. *Ben.* 1795 *R.* 10. § 6.

29. Leases of farmers, annulled for resistance to the Provincial Court of Appeal, are to stand cancelled from the end of the Fussilee year. *Ben.* 1795 *R.* 9. § 10.

30. And for resistance to the Sudder Dewannee Adaulut. *Ben.* 1795 *R.* 10. § 8.

A. D. 1796 Modified 1801 R. 9 § 4

31. If a party be charged on oath with resisting the process of a Magistrate, or of a Police officer, the Magistrate shall apprehend him; or, on his absconding, advertise for him by beat of drum in the village where he generally resided, to appear in one month: if the party do not appear, or after appearing shall be convicted of the resistance, the Magistrate shall sentence him as follows. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 1. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 1.

32. If a Zemindar or holder of rent-free land, to forfeiture of his land. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 2. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 2.

33. If a Sudder farmer, to forfeiture of lease. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 3. A. D 1796
Ced. Prov. 1804 *R.* 3. § 2. *C.* 3.

34. If neither landholder nor Sudder farmer, to a fine. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 4. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 4.

35. All judgments of Magistrates for resistance shall be sent to the Nizamut Adaulut with a copy and translation of the proceedings. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 6.

36. The Magistrate shall by precept give notice to the Collector of such judgments of forfeiture of land; and the Collector is to attach the lands until receipt of a precept to relinquish them, or of orders from the Governor General in Council. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 2. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 2.

37. And the same for a forfeiture of lease. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 3. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 3.

38. Fines are to be recovered by the process for executing decrees in the Civil Courts; and if property be not found adequate to the discharge of the fine, the Magistrate may, with the concurrence of the Nizamut Adaulut, commute it to imprisonment or corporal punishment. *Beng. Ben* 1796 *R.* 11. § 2. *C.* 4. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 4.

39. On references of the above judgments, the Nizamut Adaulut may commute the forfeiture for a fine to Government, and may order release of the attachment on discharge of such fine: sentences of the Nizamut Adaulut for fine, imprisonment, or corporal punishment, are final; but if the Nizamut Adaulut confirm the forfeiture of land or lease, the trial shall be submitted to the Governor General in Council, who, if he confirm the forfeiture, will give orders for the future disposal of the land: if the judgment of forfeiture be set aside by the Governor General in Council or Nizamut Adaulut, the Magistrate, on being informed thereof, or on receipt of the fine if any be imposed, shall by precept to the Collector order the release of the attachment and a full and fair account to be rendered. *Beng. Ben.* 1796 *R.* 11. § 3. *Ced. Prov.* 1804 *R.* 3. § 3.

40. No appeal is allowed to the Sudder Dewannee Adaulut under 5000 Rupees. *Beng.* A. D 1799
1799 *R.* 7. § 24. *Ben.* 1800 *R.* 5. § 23. *Ced. Prov.* 1805 *R.* 8. § 7. *C.* 2.

41. The rules for punishing resistance to process of the Zilla Courts in Sections 22 to 24, Regulation 4 of 1793, are equally applicable to resistance to the process of the City Courts at Patna, Dacca and Moorshedabad; but if the offender possess no landed property within the Court's jurisdiction, the Court may adjudge a fine under Section 25. *Beng.* 1799 *R.* 9. § 2.

A. D. 1799 42. In all cases of resistance to Zilla and City Courts, if the Courts should be of opinion that a fine would be a more adequate punishment than forfeiture, they may adjudge a fine as in Section 25. *Beng. Ben.* 1799 *R.* 9. § 3. *Ced. Prov.* 1803 *R.* 3. § 25. *C.* 2.

43. Decrees of forfeiture are not to be deemed final till confirmed by the Governor General in Council, nor to be executed until notice of his confirmation be received. *Beng. Ben.* 1799 *R.* 9. § 3. *Ced. Prov.* (for Zilla Courts) 1803 *R.* 3. § 23. § 25. *C.* 1. (for Provincial Courts) *R.* 4. § 23. *C.* 2.

A. D. 1801 44. Persons, charged with resistance to process of the Magistrates and Police officers, may be bailed, if the case be not attended with any aggravating circumstances. *Beng. Ben.* 1801 *R.* 9. § 4. *Ced. Prov.* 1804 *R.* 3. § 5.

45. When the Magistrate shall judge it sufficient to inflict for such resistance the punishment authorized for petty offences by Section 8, Regulation 9 of 1793, he need not send his proceedings to the Nizamut Adaulut; but they shall be liable to revision by the Court of Circuit under Section 17, Regulation 9 of 1793. *Beng. Ben.* 1801 *R.* 9 § 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 5.

A. D. 1803 46. Resistance to process of Assistant Judges shall be liable to the same penalties as disobedience to process of Judges. *Beng. Ben.* 1803 *R.* 49. § 2. *C.* 5. *Ced. Prov.* 1805 *R.* 8. § 12. *C.* 5.

A. D. 1804 47. Process of Civil and Criminal Courts shall not be resisted in the invalid Thanas, under pain of such fine or punishment as the Courts are empowered to impose or inflict. *Beng.* 1804 *R.* 1. § 15.

48. The limitation for appeals to the Sudder Dewannee Adaulut, in cases of resistance to process of Zilla Courts in the Ceded Provinces, under Sections 23, 25 and 26, Regulation 23 of 1803, shall be 5000 Rupees. *Ced. Prov.* 1805 *R.* 8. § 7. *C.* 2.

II. *IN REVENUE MATTERS.*

A. D. 1793 1. If an actual proprietor of land shall resist, or refuse to obey, or escape from, or avoid, the Collector's process of arrest for revenue arrears, the Collector shall represent, through the Vakeel of Government, the case to the Zilla Court; who, if satisfied by the oath of two witnesses, shall affix in the Court room, in the Collector's office, at the residence of the defaulter, and in the Cuchery of the estate, a notice requiring the defaulter to surrender himself in four weeks; and the sequestration of the estate or farm ordered for the arrear shall continue. *Beng.* 1793 *R.* 14 § 15. *Ben.* 1795 *R.* 6. § 22. *Ced. Prov.* 1803 *R.* 27. § 22.

2. If the defaulter do not surrender, or after surrendering be convicted on trial, the Court shall declare the estate of the proprietor, from which the arrear was due, forfeited to Government: if the decree be not appealed, or not appealable, or be confirmed in ap-

peal

peal, the Court passing the final decision shall send it to the Governor General in Council: if the Governor General in Council do not in four weeks commute the forfeiture for a fine, or mitigate the fine imposed, or pass any order on the case, the decree shall stand good; but no decree shall be carried into execution without an express order of the Governor General in Council: if the Zilla Court acquit the defaulter, the Collector shall obtain a copy of all the proceedings and send them with his objections to the acquittal to the Board of Revenue, who may authorize or not an appeal to the Provincial Court: if the Provincial Court convict the defaulter in appeal, they shall proceed as above; if they confirm his acquittal, or reverse an appealed decree of conviction, the Collector shall send the proceedings as above to the Board, who may authorize or not an appeal to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 14. § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 27. § 23. A. D. 1799

3. The same mode of proceeding is to be observed in case of resistance to the Collector's process by a Sudder farmer of land; with forfeiture of lease, similarly commutable. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* 1803 *R.* 27. § 26.

4. And in case of resistance by a surety for a proprietor or farmer; with the penalty of a fine to Government according to his situation in life. *Beng.* 1793 *R.* 14. § 21. *Ben.* 1795 *R.* 6. § 28. *Ced Prov.* 1803 *R.* 27. § 28.

5. If such landholder be allowed to retain his estate, an account shall be rendered of the proceeds during sequestration; but if they be inadequate to the public revenue and the expenses of the sequestration together with any fine imposed, and he shall not make good the deficiency, a portion of his lands may be sold. *Beng.* 1793 *R.* 14. § 17. *Ben.* 1795 *R.* 6. § 24. *Ced. Prov.* 1803 *R.* 27. § 24.

6. Government may confer a forfeited estate on the heirs of the offender, (and in such case he shall be released if in confinement;) or may order it to be sold and dispose of the proceeds. *Beng.* 1793 *R.* 14. § 18. *Ben.* 1795 *R.* 6. § 25. *Ced. Prov.* 1803 *R.* 27. § 25.

7. If such farmer's lease be annulled, the Collector shall proceed against him for any balance due at the close of the year; and the farmer may sue the tenants, for any rents due while the lease was in force. *Beng.* 1793 *R.* 14. § 20. *Ben.* 1795 *R.* 6. § 27. *Ced. Prov.* 1803 *R.* 27. § 27.

8. No appeal is allowed from a conviction of resistance to the Collectors by landholders, unless the forfeited estate exceed 1000 Rupees annual produce: the Collector is to state in the plaint whether the produce of the estate, from which the arrear is due, exceeds or falls short of 1000 Rupees; and any objections to the statement are to be inquired into by the Zilla Court, and Provincial Court of Appeal in case of appeal; and the Sudder Dewannee Adaulut shall admit or reject the appeal as may appear

Modified 1799 R. 7 § 24 1800 R. 6 § 23

A. D. 1793 appear equitable. *Beng.* 1793 *R.* 14. § 16. *Ben.* 1795 *R.* 6. § 23. *Ced. Prov.* (with limitation to 5000 Rupees) 1803 *R.* 27. § 23.

Modified 1799 R. 7 § 24 1800 R. 5 § 23

9. Nor from a conviction of resistance to the Collector by a Sudder farmer, unless the Jumma of the farm exceed 1000 Rupees, to be similarly ascertained. *Beng.* 1793 *R.* 14. § 19. *Ben.* 1795 *R.* 6. § 26. *Ced. Prov.* (with limitation to 5000 Rupees) 1803 *R.* 27. § 26.

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10. Nor from a conviction of resistance to a Collector by a surety, unless the fine imposed exceed 1000 Rupees. *Beng.* 1793 *R.* 14. § 21. *Ben.* 1795 *R.* 6. § 28. *Ced. Prov.* (with limitation to 5000 Rupees) 1803 *R.* 27. § 28.

11. Landholders &c. resisting an Ameen deputed to attach lands ordered for sale in execution of decrees, shall be proceeded against as for resisting the Collector's process of arrest in Section 15 &c Regulation 14. *Beng.* 1793 *R.* 45. § 9. *Ben.* 1795 *R.* 20. § 9. *Ced. Prov.* 1803 *R.* 26. § 23.

Modified 1799 R. 7 § 9 Ben 1800 R. 5 § 9

12. Tenants &c. resisting the attachment of their property by distrainers may be imprisoned till they liquidate the arrear or restore the property rescued. *Beng.* 1793 *R.* 17. § 19. *Ben.* 1795 *R.* 45. § 17. *Ced. Prov.* 1803 *R.* 28. § 17. *C.* 1.

A. D. 1794

13. Landholders, resisting or causing to be resisted the attachment of their lands for arrears of revenue, shall be proceeded against by the Collector in the mode provided by Regulation 14 of 1793 for resistance to process of arrest. *Beng.* 1794 *R* 3. § 10.

A. D. 1795

14. Landholders, farmers or sureties in Benares, resisting the process of a Tehsildar, shall be summoned by the Collector to explain their conduct, and may, according to the circumstances of the case, be committed by the Collector for not more than ten days, or made to give Hazir-or Fazl-Zaminee: but, if the resistance should appear to have arisen from the misconduct of the Tehsildar or his Peon, these shall be respectively dismissed: the Collector shall report to the Board all such commitments and dismissions. *Ben.* 1795 *R.* 6 § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

15. When the Collector of Benares commits a landholder &c. for resistance to a Tehsildar's process, he shall notify it through the Vakeel of Government to the Court; and the notice is to be filed of record. *Ben.* 1795 *R.* 6. § 21. *Ced. Prov.* 1803 *R.* 27. § 21.

16. In case the party should also resist or refuse to obey or avoid the Collector's summons; or should resist, refuse to obey, escape from, or avoid, an original process of the Collector, the Collector and the Civil Courts are to proceed respectively as ordered in Regulation 14 of 1793, Sections 15 &c. *Ben.* 1795 *R.* 6. § 22. to 28. *Ced. Prov.* 1803 *R.* 27. § 22. to 28.

17.

17. If a Brahmen in Benares eſtabliſh a Koorh, or threaten to ſlay or wound his women or children in reſiſtance to a proceſs for a demand of revenue, the Tehſildar ſhall not enforce the proceſs, but ſhall report the circumſtance to the Collector, with the teſtimony of the Peons; and the Collector ſhall ſtate the caſe through the Vakeel of Government to the Magiſtrate, who, on oath being made to the fact, ſhall cauſe a notice to be ſerved on ſuch Brahmen by a relation, or by a Brahmen Peon, deſiring him to deſiſt, and promiſing redreſs; and, on a return of his noncompliance, ſhall iſſue a warrant on him to be ſerved by Muhamedan Peons. *Ben.* 1795 *R.* 21. § 6. A. D. 1795

18. If the Brahmen reſiſt the Magiſtrate's warrant, the Magiſtrate ſhall by precept direct the Collector to attach all the offender's land, whether held in property, farm or mortgage, until he ſurrender or be apprehended, and until the arrear of revenue due from him be liquidated from the proceeds or otherwiſe. *Ben.* 1795 *R.* 21. § 6.

19. If a Brahmen reſiſt the Magiſtrate's warrant on a charge of eſtabliſhing a Koorh &c. in reſentment to an individual, the Magiſtrate ſhall, by precept, direct the Collector to attach all the offender's land, in property, farm or mortgage, until he ſurrender or be apprehended, paying the proceeds to the party, in reſentment to whom the offence was committed. *Ben.* 1795 *R.* 21. § 5.

20. Tenants, reſiſting the attachment of their property by diſtrainers, ſhall be liable to damages equal to twice the amount of the property reſcued from attachment, and to criminal proſecution for a breach of the peace. *Beng.* 1799 *R.* 7. § 9. *Ben.* 1800 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 28. § 17. *C.* 2. A. D. 1799

21. On application from diſtrainers, Police Daroghas ſhall depute a Police officer to uſe every means in his power to prevent reſiſtance. *Beng.* 1799 *R.* 7. § 11. *Ben.* 1800 *R.* 5. § 11. *Ced. Prov.* 1803 *R.* 28. § 19. *C.* 3.

22. Tenants, reſiſting landholders in the juſt exerciſe of their rights and powers, ſhall be liable to full damages and coſts. *Beng.* 1799 *R.* 7. § 15. *C.* 8. *Ben.* 1800 *R.* 5. § 14. *C.* 8. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 8.

23. Reſiſtance to proceſs for recovery of arrears of revenue is to be puniſhed under Sections 15 to 21, Regulation 14 of 1793. *Beng.* 1799 *R.* 7. § 24.

24. No appeal is allowed to the Sudder Dewannee Adaulut in judgments for reſiſtance to proceſs, under 5000 Rupees. *Beng.* 1799 *R.* 7. § 24. *Ben.* 1800 *R.* 5. § 23. *Ced. Prov.* 1803 *R.* 27. § 23. 26. & 28.

25. Licenſed diſtillers, oppoſing the viſits of the Juſtices, or of their officers, for meaſuring the ſtills or proving the ſpirits, are to forfeit 1000 Rupees. 1802 *R* 2 § 6. A. D. 1802

26. And ſhall beſides forfeit their licenſe. 1802 *R.* 2. § 15.

A. D. 1802 27. Or opposing their visit to take an account of the spirits manufactured. 1802 *R.* 2. § 13.

28. Or to search for concealed spirits or materials. 1802 *R.* 2. § 29.

A. D. 1805 29 Persons, resisting the Collector's requisition for their personal attendance, shall be liable to the penalties of Sections 22 &c. Regulation 27 of 1803. *Ced. Prov.* 1805 *R.* 8. § 18. *C.* 2.

RESPONDENTS.

A. D. 1793 1. If the Zilla or City Court order execution of a decree appealed to the Provincial Court of Appeal, security is to be taken by the Zilla Court from the respondent, in a sum equal to the amount or value of the thing decreed, for the due performance of the decision in appeal. *Beng.* 1793 *R.* 5. § 12. ext. *Ben.* 1795 *R.* 9. § 6.

2. And by a Provincial Court of Appeal, in a decree appealed to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 10. ext. *Ben.* 1795 *R.* 10. § 2.

3. No proceedings are to be held, nor acts done on behalf of a respondent in a Provincial Court of Appeal, except by the respondent himself or a Vakeel admitted to plead in the Court. *Beng.* 1793 *R.* 5 § 22. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 22.

4. Nor in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 20. ext. *Ben.* 1795 *R* 10. § 2. *Ced. Prov.* 1803 *R* 5. § 20.

5. If the respondent abscond or conceal himself from a process of the Provincial Court of Appeal, the Zilla or City Judge shall affix in the Court room, and at the house or in the village of the respondent's usual residence, a notice, that if he do not obey the exigence within the limited time, the cause will be tried ex parte. *Beng.* 1793 *R.* 5. § 16. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 16.

6. And the Provincial Court of Appeal, in a cause appealed to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6 § 14. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 14.

7. If the Judge of the Zilla or city return, that a respondent has avoided service of process, and that the above notice has been affixed, and the respondent shall not appear, the Provincial Court of Appeal shall try the cause ex parte. *Beng.* 1793 *R.* 5. § 17. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 17.

8. And the Sudder Dewannee Adaulut, on a similar return from a Provincial Court of Appeal. *Beng.* 1793 *R.* 6. § 15. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 15.

9. The respondent shall be allowed costs if deemed equitable, when an appeal is dismissed by a Provincial Court of Appeal for default. *Beng.* 1795 *R.* 5. § 21. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 21. A. D. 1795

10. And by the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 19 ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 19.

11. And when an appeal is adjusted by Razeenama. *Beng.* 1793 *R.* 7. § 13 ext. *Ben.* 1795 *R.* 13 § 2. *Ced. Prov.* 1803 *R.* 10. § 12.

12. The respondent is to give security for pleaders' fees in addition to all other securities. *Beng.* 1793 *R.* 7. § 9. ext. *Ben.* 1795 *R.* 13. § 2 *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 6.

13. If the whole of the appellant's claim be decreed to him, the respondent shall pay the whole of the fee to the appellant's pleader with all other costs; if only part of the claim, a proportionate part of the fee: if the claim be dismissed, the appellant shall pay the fee of the respondent's pleader, with such other costs as the Court may award to the respondent. *Beng.* 1793 *R.* 7. § 9 ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 8. *C.* 6.

14. The Raja of Benares, and his relations the Baboos, and the Nouputee Mehajuns, are to give the same security, as other respondents. *Ben.* 1795 *R.* 8. § 10. A. D. 1795

15. Interest, at the rate of one per cent, shall be allowed to the respondent on all decrees confirmed in appeal. *Beng. Ben.* 1796 *R.* 13. § 3. *Ced. Prov.* 1803 *R.* 4. § 35. *R.* 5. § 12. A. D. 1796

16. In appeals to the King in Council, the Sudder Dewannee Adaulut may execute the decree, taking sufficient security from the respondent for the performance of the final judgment. *Beng. Ben* 1797 *R.* 16. § 4. *Ced. Prov.* 1803 *R.* 5 § 33. A. D. 1797

17. The respondents in such appeals may have copies of all the proceedings, on their previously paying, to the Register of the Sudder Dewannee Adaulut, the expense incurred in preparing them. *Beng. Ben.* 1797 *R.* 16. § 5. *Ced. Prov.* 1803 *R.* 5. § 34.

18. When such an appeal is admitted, notice thereof shall be given to the respondent. *Beng. Ben.* 1797 *R.* 16. § 4. *Ced. Prov.* 1803 *R.* 5. § 33.

19. If the security given by an appellant for staying execution shall, pending the appeal, be deemed insufficient, and he shall fail to give further security within the period fixed by the Court on the application of the respondent, the decree shall be executed, provided the respondent give the security prescribed by the Regulations. *Beng. Ben.* 1798 *R.* 5. § 3. *Ced. Prov.* (in Provincial Courts) 1803 *R.* 4. § 12. *C.* 8. (in Sudder Dewannee Adaulut) *R.* 5. § 10. *C.* 9. A. D. 1798

20.

A. D. 1798 20. Private transfers (by sale or otherwise) by the appellant, of decreed property left in his possession during the appeal, are null and void in the event of the decision being confirmed; and if such property be sold, pending the appeal, for arrears of revenue to Government, the appellant, if the decision be confirmed, shall pay to the respondent the purchase money with interest, besides the mean profits anterior to the sale; and if he be proved to have purchased it himself, shall forfeit it to the respondent. *Beng. Ben.* 1798 *R.* 5. § 4. *Ced. Prov.* 1803 *R.* 4. § 14. *C.* 1.

21. The same principle applies, if the respondent have possession in consequence of the appellant having failed to give security for staying execution. *Beng. Ben.* 1798 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 4. § 14. *C.* 2.

A. D. 1802 22. If the security, originally taken from a respondent when defendant in a suit in which judgment was given by the Zilla Court in his favour, be deemed insufficient, the Provincial Court of Appeal may require him to give further security; and, in the event of judgment being given against the respondent, shall immediately execute it if unappealable, or take the prescribed securities if further appealed; and the Sudder Dewannee Adaulut may require additional security in any case deemed proper. *Beng. Ben.* 1802 *R.* 3. § 2.

23. In case it should be necessary to recover from a respondent the fees of his pleader, though judgment should be in his favour, in consequence of the irresponsibility of the appellant and his sureties, the Court may recover from the respondent such part only of the fee as may be deemed adequate to the pleader's trouble, leaving the rest to be recovered from any property of the appellant which may be subsequently discovered. *Beng. Ben.* 1802 *R.* 3. § 3. *Ced. Prov.* 1803 *R.* 10. § 35.

A. D. 1803 24. Notice of an appeal from the rejection of an appeal, or from its dismission for default, shall be given to the respondent; but he shall not be required to attend, unless his attendance be deemed necessary. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 4. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

25. Nor shall any security be required from the respondent in such appeal. *Beng. Ben.* 1803 *R.* 49. § 26. *C.* 5. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 6.

A. D. 1805 26. The same in an appeal from the rejection or dismission of an original suit. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 11.

27. Respondents from Chandernagore and Chinsura shall not be required to attend personally at the Sudder Dewannee Adaulut, nor to appoint a Vakeel; but, if a reference be necessary to a respondent who has not voluntarily appeared nor appointed a Vakeel, it shall be made through the Judge of the Court, or in such manner as the Sudder Dewannee Adaulut may direct. 1805 *R.* 1. § 5. *C.* 1.

28.

28. But, on the admission of such appeal, the Commissioner shall be directed by precept to call on the respondent for his answer to the petition within a limited period. 1805 *R.* 1. § 4. *C.* 2. A. D. 1805

29. Such respondents may be fined by the Sudder Dewannee Adaulut for any contempt to the Court, or to the original Court, in the pleadings; and if the fine be not recovered from the party or his surety, the Sudder Dewannee Adaulut may commute it for imprisonment not exceeding six months. 1805 *R.* 1. § 11.

30. In case of the appellant in such appeals not giving the required security to stay execution, or of the Sudder Dewannee Adaulut ordering execution in their discretion, sufficient security shall be taken from the respondent. 1805 *R.* 1. § 12. *C.* 2.

RESPONDENTIA AND INSURANCE.

1. The rules respecting interest do not extend to respondentia loans or policies of insurance, the interest on which is to be regulated by the terms of the deeds, and by the laws and usages respecting such transactions. *Beng.* 1793 *R.* 15. § 12. *Ced. Prov.* 1803 *R.* 34. § 11. A. D. 1793

REVIEW OR REVISAL.

1. The Judges of Zilla and City Courts are to countersign the decrees passed by their registers to denote their approbation; and, unless so countersigned, the decrees are not valid. *Beng.* 1793 *R.* 13. § 6 ext. *Ben.* 1795 *R* 12. § 2. A. D. 1793 Re-enacted 1794 R. 8 § 6

2. Decrees of Registers for personal property not exceeding twenty-five Rupees may be revised by the Judges, who, if the decree appear obviously unjust and erroneous, may pass such decree as they may deem equitable; and the Judge's decree shall be final. *Beng.* 1794 *R.* 8. § 6. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 12. § 9. A. D. 1794

3. If a Court, on petition of a party, alleging the discovery of new matter or evidence which was not in the party's knowledge, or could not be adduced at the time of passing a decree, or other good and sufficient reason, should be of opinion that a review of the decree in a case from which no appeal can be had to any superior Court is necessary to correct an evident error, they shall transmit a copy and translation of the petition, with the grounds of their opinion, to the Sudder Dewannee Adaulut, and are to be guided by that Court's instructions in the admission of evidence if the review be granted. *Beng. Ben.* 1798 *R.* 2. § 2. *Ced. Prov.* (for Zilla Courts) 1803 *R.* 2. § 22. (for Provincial Courts) *R.* 4. § 30. *C.* 2. A. D. 1798

4. The Sudder Dewannee Adaulut, on cases thus referred to them, and on petitions for a revision of their own judgments not open to appeal to the King in Council, may

A. D. 1798 grant the review if justice require it, from an error of judgment or the discovery of new matter or evidence which could not be used at the time; and may direct the admission or rejection of any new evidence offered, or pass any other order on the case; but no new evidence, which might have been used before, shall be sufficient ground for a review, unless admitted on special reasons, which shall be recorded. *Beng. Ben.* 1798 *R.* 2. § 3. *Ced. Prov.* 1803 *R.* 5. § 37.

5. The rejection of a petition for a review of a judgment by the Court which passed the final decree, shall be conclusive. *Beng. Ben.* 1798 *R.* 2 § 2. *Ced. Prov.* (in Zilla Courts) 1803 *R.* 2. § 22 (in Provincial Courts) *R.* 4 § 30. *C.* 2.

6. And all orders passed by the Sudder Dewannee Adawlut on such cases referred to them are decisive and final, except in cases appealable to the King in Council. *Beng. Ben.* 1798 *R.* 2. § 3. *Ced. Prov.* 1803 *R.* 5. § 37.

A. D. 1800 7. Decrees of Registers in appeal from decisions of native Commissioners when referred to them for trial by the Judge, shall be subject to the revision of Section 6, Regulation 8 of 1794. *Beng. Ben.* 1800 *R.* 3. § 2. *Ced. Prov.* 1803 *R.* 12. § 19.

A. D. 1803 8 Zilla and City Judges may proceed to a revision of their own judgments under Regulation 2 of 1798, if the petition for such review shall have been presented to them before a special appeal from the judgment shall have been admitted in the Provincial Court of Appeal. *Beng. Ben.* 1803 *R.* 49. § 24. *C* 2. *Ced. Prov.* 1805 *R.* 8. § 9. *C.* 3.

9. Decrees of Registers already passed on appeals from decisions of native Commissioners shall remain in force subject to the revision of the Judge. *Beng. Ben.* 1803 *R.* 49. § 6. *C.* 4. *Ced. Prov.* 1805 *R* 8. § 16. *C* 4.

R E W A R D S.

A. D. 1793 1. A reward of ten Rupees is allowed for Dakyts convicted. *Beng.* 1793 *R.* 9. § 24. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 23.

2. The same reward is receivable by Police officers for Dakyts apprehended by them. *Beng.* 1793 *R.* 22. § 18. *Ben.* 1795 *R.* 17. § 17. *Ced. Prov.* 1803 *R.* 35. § 18.

3. And a reward of 10 per cent on stolen property recovered by Police officers of Zillas, if the robbers be convicted: if the owner refuse to pay the reward, the Magistrates shall have the property valued by competent persons, and sell a sufficient portion of it. *Beng.* 1793 *R.* 22. § 18. *Ben.* 1795 *R.* 17. § 17. *Ced. Prov.* 1803 *R.* 35. § 18.

4.

4. And Police officers of cities. *Beng.* 1793 *R.* 22 § 36. *Ben.* 1795 *R.* 17. § 33. A. D. [illegible]

5. A reward is allowed to informers, of 25 per cent on the confiscation of salt illegally imported. *Beng.* 1793 *R.* 30. § 3. Re-enacted 1801 R. 6 § 14

6 Or illegally transported. *Beng.* 1793 *R* 30. § 8. *C.* 3. ditto

7. And on the confiscation of the boats &c. used in the transportation. *Beng.* 1793 *R.* 30. § 9. ditto § 20

8. And a reward of 15 per cent on confiscation of Muscat salt. *Beng.* 1793 *R.* 42. § 34. *C.* 3. Re-enacted 1795 R. 40 § 8

9. Salt officers, neglecting to report seizures of salt, shall forfeit their share in the reward. *Beng.* 1793 *R.* 30. § 5. *C.* 2. Re-enacted 1801 R. 6 § 18

10. A reward, equal to half the penalties recovered, is allowed to informers of illicit manufacture or sale of liquors and drugs. *Beng.* 1794 *R.* 1. § 3. ext. *Ben.* 1795 *R.* 47. § 9. *Ced. Prov.* 1803 *R.* 30. § 30. A. D. 1794

11. The reward on the apprehension of Dukyts is in Benares &c. extended to day or night attacks on houses or villages, and to attempts of forcing fire to them. *Ben.* 1795 *R.* 16. § 4. *C.* 6. *Ced. Prov.* 1804 *R.* 3. § 8. A. D. 1795

12. The same reward in Benares &c. is allowed on the conviction of thieves. *Ben.* 1795 *R* 17. § 17. *Ced. Prov.* 1803 *R.* 35. § 18.

13. Three fourths of confiscations at the Benares Custom-houses and of seizures by the native officers, shall be shared by them in specified proportions: viz. three-eighths to the Moregha, and one-eighth each to the Mutasdi, Tahsildar, and Searcher. *Ben.* 1795 *R.* 3. § 13.

14. Of confiscations at the Calcutta Custom-house, one-fifth shall be given to the Collector and Deputy in the proportion of two-thirds and one-third; two-fifths to the informer or seizer. *Beng.* 1795 *R.* 39. § 19. *C.* 2.

15. The same appropriation on confiscations at the Manjee Custom-house. *Beng.* 1795 *R.* 57 § 3. Expired

16. The Pilot of a licensed salt ship shall receive five Rupees for transmitting the report of the cargo, if there be no salt on board. *Beng* 1795 *R.* 52 § 16.

17. Informers, and officers making seizures on information of illegal manufacture, sale, transportation or importation of salt, shall receive each 25 per cent on the confiscation; and a discretion is vested in the Board of Trade to distribute the reward to officers according to their respective merits. *Beng.* 1795 *R.* 40. § 2. Re enacted 1801 R 6 § 14 & 19

18.

A. D. 1795 Re-enacted 1801 R. 6. § 14 § 19

18. Officers, seizing illegal salt without an information, shall have 50 per cent, with similar discretion vested in the Board. *Beng.* 1795 *R.* 40. § 3.

ditto

19. The salt is to be estimated at the medium price of the last sales. *Beng.* 1795 *R.* 40. § 5.

ditto

20. And the rewards shall be paid immediately after confiscation. *Beng.* 1795 *R.* 40. § 4.

ditto § 4

21. The same rules for Muscat salt. *Beng.* 1795 *R.* 40. § 8.

A. D. 1799

22. Informers, and officers acting on information of illicit dealings in opium, shall receive each twelve Annas per Seer on the opium confiscated and one-fourth of the fine; and a discretion is vested in the Board to make a distribution thereof. *Beng. Ben.* 1799 *R.* 6. § 21. *Ced. Prov.* 1803 *R.* 41. § 14.

23. Officers, acting without an information, shall receive one and half Rupee per Seer on the opium confiscated, and half of the fine; with similar discretion vested in the Board. *Beng. Ben.* 1799 *R.* 6. § 22. *Ced. Prov.* 1803 *R.* 41. § 15.

24. And the same rewards, in the same proportions, on the boats, cattle &c. *Beng. Ben.* 1799 *R.* 6. § 24. *Ced. Prov.* 1803 *R.* 41. § 17.

25. The informer shall receive one-half of the fine, where the opium is not seized. *Beng. Ben.* 1799 *R.* 6. § 23. *Ced. Prov.* 1803 *R.* 41. § 16.

26. The rewards shall be paid as soon as possible after the confiscation shall have been adjudged or the fines levied. *Beng. Ben.* 1799 *R.* 6. § 25. *Ced. Prov.* 1803 *R.* 40. § 18.

27. A reward of 25 per cent on the confiscation is allowed to informers of contraband trade to the frontiers of Silhet. *Beng.* 1799 *R.* 1. § 5.

A. D. 1800

28. Informers and officers, acting on information of smuggled stones at the Benares quarries, shall receive each 25 per cent of the confiscation; and either officer or informer, acting alone in the seizure, shall receive 50 per cent. *Ben.* 1800 *R.* 2. § 11.

29. Officers of Government, seizing adulterated salt without an information, shall have one moiety of the fine levied. *Beng. Ben.* 1800 *R.* 4. § 8.

30. In case of an information, the officer and informer shall have one quarter each. *Beng. Ben.* 1800 *R.* 4. § 9.

31. Informers of frauds on the stamp duty shall have one moiety of the fine recovered. *Beng. Ben.* 1800 *R.* 7. § 7. & 27. *Ced. Prov.* 1803 *R.* 43. § 26.

32. On confiscations and penalties at the Calcutta Custom-house in respect to manifests, one fifth shall be given to the Collector and his deputy in the proportion of two thirds and one third, and two fifths to the informer. *Beng.* 1800 *R.* 11. § 3. *C.* 5.

33.

33. But the Board of Trade may release goods liable to confiscation and remit penalties, although a share thereof be allotted as a reward to the Collector &c. *Beng.* 1800 *R.* 11. § 7. *C.* 1. A. D. 1800

34. Or may levy double duty and commission in lieu of higher penalties. *Beng.* 1800 *R.* 11. § 7. *C.* 2.

35. On confiscations at the Calcutta Custom-house in respect to the town duties, two fifths shall be given to the informer; and one fifth to the Collector and his deputy, in the proportions of two thirds and one third. *Beng.* 1801 *R.* 5. § 12. A. D. 1801

36. And at the other Custom-houses in respect to city duties, two fifths to the informer, and one fifth to the Collector. *Beng. Ben.* 1801 *R.* 10. § 24. *Ced. Prov.* 1805 *R.* 6. § 31.

37. Also in respect to the Government customs. *Beng. Ben.* 1801 *R.* 11. § 20. *C.* 2. *Ced. Prov.* 1804 *R.* 11. § 32. *C.* 2.

38. The Board of Trade may remit confiscation and penalties with regard to Calcutta town duties. *Beng.* 1801 *R.* 5. § 13.

39. The same with regard to city duties. *Beng. Ben.* 1801 *R.* 10. § 23. *Ced. Prov.* 1805 *R.* 6. § 32.

40. And Government Customs. *Beng. Ben.* 1801 *R.* 11. § 21. *C.* 1. *Ced. Prov.* 1804 *R.* 11. § 33. *C.* 1.

41. Or may levy double duty and commission, in lieu of higher penalties in respect to Calcutta town duties. 1801 *R.* 5. § 14.

42. The same in respect to city duties. *Beng. Ben.* 1801 *R.* 10. § 24. *Ced. Prov.* 1805 *R.* 6. § 33.

43. And Government Customs. *Beng. Ben.* 1801 *R.* 11. § 21. *C* 2. *Ced. Prov* 1804 *R.* 11. § 33 *C.* 2.

44. In case of a seizure of contraband Muscat salt on an information, the informer and the officer of Government shall have each a quarter of the confiscation; and, in case of a seizure without an information, the officer of Government shall have thirty-five per cent: and the Board of Trade may distribute the reward among two or more officers concerned in the seizure, according to their respective merits. *Beng.* 1801 *R.* 6. § 4. *C.* 4.

45. Police officers shall have one quarter of the confiscation of illegal salt seized in consequence of their information; with similar discretion vested in the Board of Trade. *Beng.* 1801 *R.* 6. § 11. *C.* 4.

A. D. 1801. 46. Subordinate salt officers, seizing illegal salt without an information, shall have thirty-five per cent; with similar discretion vested in the Board of Trade. *Beng.* 1801 *R.* 6. § 14. *Ced. Prov.* 1803 *R.* 39. § 12.

47. Salt Agents and Superintendents of Chokies are to have thirty five per cent on salt confiscated upon seizures by their orders or officers. *Beng.* 1801 *R.* 6. § 15. *Ced. Prov* 1803 *R.* 39. § 13.

48. Similar rewards are to be paid out of the proceeds of the boats &c. used in the transportation of illicit salt. *Beng.* 1801 *R.* 6. § 10.

49. The rewards are payable immediately after confiscation in such manner as the Board may direct. *Beng.* 1801 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 39. § 15.

50. Collectors of Revenue and of Customs, and Commercial Agents, shall have the same reward on seizures made in consequence of information transmitted by them to the salt officers. *Beng.* 1801 *R.* 6. § 11. *C.* 8.

51. Informers of illegal salt shall have one quarter of the confiscation. *Beng.* 1801 *R.* 6. § 19. *Ced. Prov.* 1803 *R.* 39. § 14.

52. And informers of illegal salt works, one moiety of the penalties; and a discretion is vested in the Board of Trade to distribute the reward among two or more informers according to their respective merits. *Beng.* 1801 *R.* 6. § 7. *C.* 5.

53. Salt-officers shall forfeit their share in the reward on confiscation, if they make any delay in reporting a seizure of salt. *Beng.* 1801 *R.* 6. § 16.

A. D. 1802 54. On confiscations of spirits in Calcutta, the informer shall have two fifths; the officer making the seizure, the Surveyor and his deputy, one fifth each. 1802 *R.* 2. § 21.

55. And fifteen per cent of the penalties shall be given to the persons who shall discover, inform, or sue for the same. 1802 *R.* 2. § 33.

A. D. 1806 56. Informers against persons selling stampt paper without a Sunnud shall receive a moiety of the fine. *Beng Ben. Ced. Prov.* 1806 *R.* 13. § 8.

ROBBERY.

A. D. 1793 1. Magistrates are to apprehend robbers. *Beng.* 1793 *R.* 9. § 4. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 4.

2. Police officers shall apprehend them on a written charge and send them in twenty-fours hours to the Magistrate. *Beng.* 1793 *R.* 22. § 7. *Ben.* 1795 *R.* 17. § 7. *Ced. Prov.* 1803 *R.* 35. § 7.

3. And may apprehend without a written charge persons detected with stolen goods in their possession. *Beng.* 1793 *R.* 22. § 8. *Ben.* 1795 *R.* 17. § 8. *Ced. Prov.* 1803 *R.* 35. § 8.

4.

4. Any notorious Dukyts or robbers harbouring within his jurisdiction. *Beng.* 1793 *R.* 22. § 10. *Ben.* 1795 *R.* 17. § 10. *Ced. Prov.* 1803 *R.* 35. § 10.

5. Kotwals and Daroghas of Cities shall apprehend them, and take them next morning before the Magistrate. *Beng.* 1793 *R.* 22. § 31. *Ben.* 1795 *R.* 17. § 29.

6. And shall for this purpose patrole their respective wards without intermission from midnight till day light. *Beng.* 1793 *R.* 22. § 29. *Ben.* 1795 *R.* 17. § 26.

7. Persons, committed for trial before the Court of Circuit on a charge of robbery, shall not be admitted to bail. *Beng.* 1793 *R.* 9. § 7. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 7.

8. Magistrates are to pay on conviction a reward of ten Rupees for every Dukyt apprehended. *Beng.* 1793 *R.* 9. § 24. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 23.

9. Police officers shall receive a similar reward for such Dukyts as they apprehend in the first instance, and ten per cent on the value of all plundered property which they recover; provided the robbers be convicted: the Magistrate shall cause the property to be fairly valued by competent persons, and may sell a sufficient portion of the property, if the owner refuse to pay the reward. *Beng.* 1793 *R.* 22. § 18. *Ben.* 1795 *R.* 17. § 17. *Ced. Prov.* 1803 *R.* 35. § 18.

10. Also Kotwals of Cities. *Beng.* 1793 *R* 22. § 36. *Ben.* 1795 *R.* 17. § 33.

11. Village watchmen shall apprehend and send to the Police Daroghas all persons detected in the act of committing robbery, and shall give to the Police Daroghas immediate intelligence of any robbers concealed in their village. *Beng.* 1793 *R.* 22. § 14. *Ben.* 1795 *R.* 17. § 14. *Ced. Prov.* 1803 *R.* 35. § 14.

12. Muhulladars in cities shall report all such offenders in their wards. *Beng.* 1793 *R.* 22. § 30. *Ben.* 1795 *R.* 17. § 27.

13. Landholders and farmers are not to be responsible for robberies, except on proof of connivance, of sharing in the plunder, of harbouring the offenders, of aiding or not preventing their escape, or of not assisting in their apprehension: in such cases their lands and effects may be sold to make good the loss to the owner, on conviction before a Court of Circuit. *Beng.* 1793 *R.* 22. § 3.

14. Invalided Sepoys, charged with robbery, shall be sent to the Magistrate, who is to proceed with them as with other persons similarly charged. *Beng.* 1793 *R.* 43. § 20.

15. Tehsildars of Bettees &c. in the first instance, and landholders and farmers in the next, are responsible for robberies in inhabited places, whether they hold or not

A. D. 1795

A. D. 1795 notice of the arrival of the person robbed, if the Magistrate be of opinion, that the robbery was with their connivance, or from their want of vigilance; but they are not liable for robberies in open roads and woods, except on proof of such knowledge as might have enabled them to prevent it. *Ben.* 1795 *R.* 17. § 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 1.

16. The persons, appointed for the protection of the Dukhin trade to Mirzapoor, are responsible for robberies within their limits. *Ben.* 1795 *R.* 22. § 80.

17. The reward, payable by Section 24, Regulation 9 of 1793, is to extend in Benares &c. to all robbers and persons concerned in night or day attacks on, or robbing or attempting to rob, houses or villages. *Ben.* 1795 *R.* 16. § 4. *C.* 6. *Ced. Prov.* 1804 *R.* 3. § 8.

A. D. 1796 18. In cases of gang robbery, accessaries may be pardoned on condition of full disclosure, if it should appear to the Nizamut Adaulut that it may lead to the apprehension and conviction of the principals. *Beng. Ben.* 1796 *R.* 6. § 3. *Ced. Prov.* 1803 *R.* 8. § 20.

A. D. 1797 Modified 1803 R. 58 § 8 19. Persons, sentenced to imprisonment of seven years and upwards for Dukyting, robbing or plundering houses or property, may be transported beyond sea by order of the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 4. § 10.

20. Prosecutions against Tehsildars in Benares &c. for losses by robbery, and of Tehsildars against landholders for indemnification, are to be in the Civil Courts. *Ben.* 1797 *R.* 8. § 2. *Ced. Prov.* 1804 *R.* 3. § 6. *C.* 1.

21. Tehsildars of places held Kham are equally answerable with other Tehsildars, for losses by robbery. *Beng.* 1797 *R.* 8. § 3. *Ced. Prov.* 1804 *R.* 3. § 6. *C.* 2.

22. When stolen property is stated to have been found upon or in the houses of prisoners, the prosecutor and witnesses shall be carefully examined to the identity. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 5. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 4.

23. Stolen property, when recovered and produced in Criminal Courts, may be restored to the lawful owners. *Beng. Ben.* 1797 *R.* 14. § 7. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 3.

24. Magistrates and Police officers are to use all diligence to recover stolen property; and the latter shall make search in any houses, where (on the oath of the party, or other credible information,) they suspect such property to be concealed. *Beng. Ben.* 1797 *R.* 14. § 7.

25. The Nizamut Adaulut may extend relief to prisoners confined indefinitely till restitution of stolen property or its value; individuals, having any claims on such prisoners, shall prefer them to the Magistrate, who will report thereon to the Nizamut Adaulut; and the Nizamut Adaulut shall submit the case with their sentiments to Government. *Beng. Ben.* 1797 *R.* 14. § 2.

26. Gangs, robbing or attempting robbery, armed or unarmed, by day or by night, on a highway or on the water, or in a town, city or village, or in a dwelling house or other building, or in a tent, boat, or other receptacle of persons or property, if any person or property be therein, shall be deemed guilty of robbing with open violence, and be sentenced on conviction according to the provisions of Section 4. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 3. *C.* 1.

27. The punishment shall not depend on the amount, value or description of the property plundered, nor be barred by the following or any other provisions of the Muhamedan law; provided the party convicted be adult and of sound understanding. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 3. *C.* 2.

28. The enumerated bars to punishment by the Muhamedan law are these; one of the gang being under age, or a lunatic, or a relation to the person robbed, or having a joint interest in the property plundered; or the person robbed not being a fixed resident under permanent protection; or the property not being in legal custody with respect to any one of the robbers; or the share of each robber not amounting to the specified value of ten Dirhms. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 1.

29. If the Futwa award a discretionary punishment, the Court of Circuit is to proceed according to Section 2; if death, the Court shall transmit the trial to the Nizamut Adaulut; if mutilation, the Court shall pass sentence of commutation according to Section 4, or refer the trial to the Nizamut Adaulut as circumstances may require. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 3. *C.* 3.

30. Leaders of gangs, by which a murder shall be committed, and persons actively concerned in such murder, or in any murder in prosecution of a robbery or of any intention to rob; also persons present aiding and abetting in such murder, or, though not present, procuring and causing such murder by preconcerted plan to commit the same, or to commit robbery, shall be adjudged to death. *Beng. Ben. Ced. Prov* 1803 *R.* 53. § 4. *C.* 1.

31. Leaders of gangs, when any person is wounded, maimed, burnt, or otherwise personally injured, or a house is burnt, or any other aggravating act committed, and persons actively concerned in such acts, or present, aiding and abetting in such acts, or, though not present, procuring and causing such acts by preconcerted plan to commit the same, or to commit robbery, shall be adjudged to imprisonment and transportation for life; but leaders and heinous offenders may be adjudged to death, if deemed deserving of it by the Nizamut Adaulut, or if convicted of repetition or of such a degree of cruelty as may be punishable with death under the discretion allowed by Section. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 2.

A. D. 1803 32. Leaders of gangs, in robberies, without murder, or any personal injury, or other act of aggravation, or in violent attempts to commit robbery, and persons actively concerned in such robberies or attempts, or present, aiding and abetting in such robberies or attempts, or, though not present, procuring and causing such robberies or attempts by preconcerted plan for the purpose, shall be adjudged to imprisonment and hard labour for fourteen years: but leaders and heinous offenders may be adjudged to imprisonment and transportation for life by the Nizamut Adaulut, if convicted of repetition or on proof of bad character or of any aggravating circumstance. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 3.

33. Gangs apprehended before commission of robbery, or of a violent attempt for the purpose, shall be adjudged to imprisonment and hard labour not exceeding seven years. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 4.

34. In case of any extenuating or discriminating circumstances in any particular instance, or on consideration of the great number convicted of the same crime, the Courts of Circuit (if the trial be not referrible) and the Nizamut Adaulut may mitigate sentences. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 5.

35. The Courts of Circuit shall also report to the Nizamut Adaulut, and the Nizamut Adaulut to Government, the case of any prisoner who may appear a proper object of mercy; and the Nizamut Adaulut may discharge him without report, if the sentence have not been adjudged under a Regulation or the Muhamedan law. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 6.

A. D. 1804 36. The landholders and farmers of land in Cuttack are to continue, as heretofore, subject to the responsibility imposed on them by the terms of their tenures for the prevention of robbery. *Beng.* 1804 *R.* 4. § 6.

A. D. 1805 37. And the landholders and farmers in the Conquered Provinces and Bundelkhund. *Ben. Ced. Prov.* 1804 *R.* 9. § 9.

38. The Courts of Circuit and Nizamut Adaulut may adjudge corporal punishment not exceeding thirty-nine Koras, on persons convicted of gang robbery under Clauses 2 and 3, Section 4, Regulation 58 of 1803. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 2.

39. And not exceeding thirty Koras, on persons convicted under Clause 4. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 3.

40. Guards, watchmen &c. convicted of aiding and abetting in a robbery or attempt to rob, or of procuring and causing it by counsel, hire or command, shall be liable to suffer death if any person have been murdered, or any aggravating act committed, and

corporal

corporal punishment, imprisonment and transportation for life, if the person should have been murdered, nor any aggravating act committed; any clear and [illegible] evidence of a watchman, guard or Police officer will subject him to the same penalty as if he had aided or procured the perpetration of the offence. *Beng. Ben. Cod. Prov.* [illegible] 3. § 4.

41. Guards, watchmen &c. convicted of going forth with a gang of robbers, but apprehended before the commission of robbery or of a violent attempt to rob, shall be liable to corporal punishment, imprisonment and hard labour not exceeding fourteen years, in the discretion of the Court of Circuit; but the Nizamut Adaulut may extend it in particular cases to transportation for life. *Beng. Ben. Cod. Prov.* 1805 *R.* 3. § 5.

42. Landholders or farmers convicted of being concerned directly or indirectly in any robbery, or of aiding and abetting or being privy to it, shall be liable to the penalties of Section 3, Regulation 35 of 1803. *Cod. Prov.* 1805 *R.* 8. § 14. *C.* 8.

43. Landholders and farmers in Cuttack, though not constituted officers of Police, shall be bound to afford every assistance in the prevention of robbery. *Beng.* 1805 *R.* 13. § 8.

44. Landholders in Cuttack, both Malguzaree and Lakheraj, shall be prosecuted in the Criminal Courts, and punished according to law for connivance at robbery. *Beng.* 1805 *R.* 13. § 9.

45. Persons, committed by the Magistrate of Chandernagore and Chinsura for trial before the Court of Circuit, on a charge of robbery, shall not be bailed. *Beng.* 1805 *R.* 16. § 5.

46. Zemindars in charge of Police in the Jungul Mehals shall send, in twenty four hours, to the Magistrate, persons charged with robbery. *Beng* 1805 *R.* 18. § 7. *C.* 8.

47. And are authorized to apprehend all plunderers offending within their limits, or passing through after the commission of such an offence, and all notorious robbers and persons detected with stolen goods in their possession. *Beng.* 1805 *R.* 18. § 7. *C.* 11.

48. And if convicted of being directly or indirectly concerned in robbery, or of having aided and assisted in robbery, or of receiving stolen property, shall forfeit their lands, which may be sold in the discretion of Government to make good the stolen property. *Beng.* 1805 *R.* 18. § 7. *C.* 17.

49. The Payiks of such Zemindars are expected to use their utmost endeavours to pursue and apprehend plunderers. *Beng.* 1805 *R.* 18. § 7. *C.* 13.

50. And whenever plunderers attempt to assemble in a Zemindaree, or to pass through it for the purpose of depredations, or after committing depredations, such Zemindar and his officers shall use their utmost endeavours to apprehend them, and shall

send

A. D. 1805 land notice to the Magistrate or the nearest Police officer, or military station, if in want of assistance. *Beng.* 1805 *R.* 18. § 7. *C.* 14.

51. Such Zemindars, convicted of conniving at the assembly of plunderers, or neglecting to give information, or to assist in apprehending them, shall be liable to fine and imprisonment; and, in heinous cases, to forfeiture of land. *Beng.* 1805 *R.* 18. § 7. *C.* 15.

52. The Magistrate shall transmit to the Nizamut Adaulut his proceedings on such a charge against a Zemindar with the sentence awarded, for the final sentence of that Court, or of the Governor General in Council in case of forfeiture. *Beng.* 1805 *R.* 18. § 7. *C.* 16.

53. Such Zemindars shall be responsible for property robbed in their estates, except on clear proof that the robbery was not owing to their want of care; and they may be sued in the Civil Court for recovery of the amount. *Beng.* 1805 *R.* 18. § 7. *C.* 18.

RUWANAS.

A. D. 1793 Re-enacted 1801 R. 6 § 9 — 1. Transportation of salt without a Ruwana, or in greater quantity than specified in the Ruwana, is to be punished by confiscation. *Beng.* 1793 *R.* 30. § 8. *C.* 1. & 2.

Expired — 2. Any attempt to pass the Manjee Custom-house without previously taking out a Ruwana, is to be punished by double duties. *Beng.* 1793 *R.* 42. § 8.

3. Boats passing out of the Company's provinces, or having entered the Company's provinces, without taking out a Ruwana, shall be stopped at Chouna or Patna. *Beng.* 1793 *R.* 42. § 9.

ditto — 4. And sent to the Manjee Custom-house for confiscation of the goods. *Beng.* 1793 *R.* 42. § 10.

5. Any attempt to pass the Calcutta Custom-house without producing a Ruwana, unless notice of its existence shall have been given to the Custom Master, shall be punished by confiscation. *Beng.* 1793 *R.* 42 § 46.

6. And any application for Ruwanas undervaluing the quantity, by double duties on the whole. *Beng.* 1793 *R.* 42. § 11.

7. Goods, found to be undervalued in the Ruwana when examined at the Calcutta Custom-house, shall be confiscated. *Beng.* 1793 *R.* 42. § 45.

Expired — 8. The Ruwanas of the Manjee Custom-house are to be sealed and signed by the Collector and native officers. *Beng.* 1793 *R.* 42. § 14.

ditto — 9. And a register of them is to be kept in the form directed by the Board of Trade, and sent to the Board when directed. *Beng.* 1793 *R.* 42. § 19.

ditto — 10. Ruwanas, applied for before noon, shall be delivered not later than the next day. *Beng.* 1793 *R.* 42. § 15.

11.

11. Ruwanas, issued at Benares, are current in the Company's provinces. *Beng.* 1793 *R.* 42. § 47.

12. Benares Ruwanas are to have the seals of the Raja, Darogha, Mushrif and Tehvildar, the signatures of the three latter, and the countersignature of the Darogha under the Raja's seal; the Tehvildar shall not deliver the Ruwana till the duties be paid: all Ruwanas are to be precisely in the same form *Ben.* 1795 R. 3, § 4. *Ced. Prov.* (seals of the Darogha, Mushrif and Tehvildar) 1803 R. 38. § 7. A. D. 179

13 The Collector shall (reporting to the Board of Trade) fine twenty Rupees for the first offence, and dismiss for the second, any native officer guilty of neglect in respect to any of the rules regarding Ruwanas *Ben.* 1795 *R.* 3 § 4. *Ced. Prov.* 1803 *R* 38 § 7.

14. Ruwanas shall be issued on the next day, after application by written Derkhast specifying the price, quality, quantity, and weight of the goods. *Ben.* 1795 *R.* 3 § 3. *Ced Prov.* 1803 *R.* 38. § 6.

15. They are to be granted from each of the four superior stations; viz: Benares, Ghazepoor, Mirzapoor and Juanpoor. *Ben.* 1795. *R.* 3. § 2. & 7. *C.* 1 *Ced. Prov.* (from each Zilla Custom-house) 1803 *R.* 38. § 5.

16 The Ruwana of any one station is to be current during six months throughout the province. *Ben.* 1795 *R.* 3 § 5 *Ced. Prov.* 1803 *R* 38 § 8.

17. But may be renewed and subdivided on identification of the goods and surrender of the old Ruwana: exchanged Ruwanas shall repeat the name and number of the original Ruwana, and need not have the seal or signature of the Tehvildar. *Ben.* 1795 *R.* 3. § 6. *Ced Prov.* 1803 *R.* 38 § 9.

18 Goods may be compared with the Ruwana at all the inferior Chokies; and, if any fraud be discovered, the goods shall be sent to the nearest station, and thence to the Collector *Ben* 1795 *R.* 3 § 7. *C* 1.

19 Double duties are to be paid for all attempts to pass a principal station of customs in Benares without having taken out a Ruwana. *Ben* 1795 *R* 3. § 7. *C* 2.

20. Or a subordinate frontier station without stopping till a Ruwana be taken out at a principal station *Ben* 1795 *R* 3. § 7. *C* 3.

21. Except on a written engagement to pay the duties at some other principal station. *Ben.* 1795 *R.* 3. § 7. *C.* 4.

22. Undervaluations and fraudulent specifications in Benares Ruwanas are to be punished by double duties on the excess if not more than one-sixth, double duties on the whole assortment if the excess be not more than one-quarter, and forfeiture of the whole

A. D. 1795 whole assortment if the excess be more than one-quarter. *Ben.* 1795 *R.* 3. § 8. *Cod. Prov.* 1803 *R.* 38. § 11.

23. The Benares Ruwanas are to be current in Bengal, Behar and Orissa, and vice versâ. *Ben.* 1795 *R.* 3. § 9.

24. Maafee Ruwanas are similarly current, and are to be authenticated by the Collector's signature. *Ben.* 1795 *R.* 3. § 10. *C.* 1.

25. The Ruwana duty of thirty Rupees per hundred Maunds, is not to be levied in future on rock salt imported in Muscat ships. *Beng.* 1795 *R.* 40. § 9.

A. D. 1797 26. Ruwanas for all goods, except salt and rice, are to be on stampt paper paying a duty of four Annas as far as fifty Rupees, eight Annas as far as 150 Rupees, one Rupee as far as 300 Rupees, two Rupees as far as 1000 Rupees, four Rupees as far as 5000 Rupees, ten Rupees as far as 10,000 Rupees, twenty Rupees if above 10,000 Rupees. *Beng. Ben.* 1797 *R.* 6. § 24. *C.* 1.

27. Except exchanged Ruwanas, Chorchittees and passes. *Beng. Ben.* 1797 *R.* 6. § 24. *C.* 5.

28. The size and description of Ruwana paper is to be determined by Government on samples submitted by the Board of Trade. *Beng. Ben* 1797 *R.* 6. § 24. *C.* 3.

29. Custom-house officers, giving an unstampt Ruwana, shall be dismissed; and all public officers, to whom unstampt Ruwanas may be produced, shall report the same to the Board of Trade. *Beng. Ben.* 1797 *R.* 6. § 24. *C.* 4.

30. The stamp duty is not to be charged on Ruwanas for goods not exceeding ten Rupees in value, though the Ruwana shall be written on stampt paper. *Beng. Ben.* 1797 *R.* 10. § 14.

31. The same for Maafee Ruwanas. *Beng. Ben.* 1797 *R.* 10. § 15.

A. D. 1800 32. Attempts to remove stones from the neighbourhood of the quarries without a Ruwana shall be punished by confiscation. *Ben.* 1800 *R.* 1. § 7.

A. D. 1801 33. A salt Ruwana is to have the seal of the Salt-office, and the signature of the Secretary to the Board of Trade, specifying the quantity of salt, the mode of conveyance, and the places whence and whither it is to be transported; and is to be current for one year. *Beng.* 1801 *R.* 6. § 8. *C.* 2.

34. A Chorchittee is to be signed by the Daroghas of the Chokee where granted, specifying the number of the Ruwanas from which the salt is weighed off, the quantity of salt which must be less than 100 Maunds, the place whither the salt is to be transf-

ported, and the time for which it is to be current, not exceeding six months. *Beng.* 1801 *R.* 6. n 8. *C.* 2.

35. All clandestine or fraudulent transactions in Ruwanas shall be punished by fine of 250 Rupees per hundred Maunds. *Beng.* 1801 *R.* 6. § 14.

36. All salt transported without a Ruwana, or in greater quantity than the Ruwana, shall be confiscated. *Beng.* 1801 *R.* 6. § 9. *C.* 1. *Ced. Prov.* 1804 *R.* 6. § 4. 1804 *R.* 11. § 35. *C.* 5.

37. Also if the Ruwana be not kept with the salt and immediately produced. *Beng.* 1801 *R.* 6. § 9. *C.* 2.

38. Ruwanas at the Government Custom-houses are to be granted on written application specifying the merchant's name, the sort, quantity and value of goods, the number and description of packages, whence brought, and whither proceeding. *Beng.* 1801 *R.* 11. § 13. *C.* 2. *Ced. Prov.* 1804 *R.* 11. § 26. *C.* 2.

39. And are to contain the above particulars with the number and date of Ruwana, the rate and amount of customs and of commission. *Beng.* 1801 *R.* 11. § 13. *C.* 7. *Ced. Prov.* 1804 *R.* 11. § 26. *C.* 7.

40. Shall be signed and sealed by the Collector, Darogha, Mushrif and Tehvildar; and the Tehvildar shall not deliver the Ruwana until payment of the duties. *Beng.* 1801 *R.* 11. § 13 *C.* 5. *Ced. Prov.* 1804 *R.* 11. § 26. *C.* 5.

41. A Ruwana shall be delivered the next day, if applied for before noon. *Beng.* 1801 *R.* 11. § 13. *C.* 4. *Ced. Prov.* 1804 *R.* 11. § 26. *C.* 4.

42. Ruwanas are to be current for one year only. *Beng.* 1801 *R.* 11. § 14. *C.* 1. *Ced. Prov.* 1804 *R.* 11. § 27. *C.* 1.

43. But may be renewed for another year on identification of the goods and surrender of the old Ruwana. *Beng.* 1801 *R.* 11. § 15. *C.* 2. *Ced. Prov.* 1804 *R.* 11. § 28. *C.* 2.

44. Or may be subdivided into any number the merchant pleases, on identification of the goods and surrender of the Ruwana. *Beng.* 1801 *R.* 11. § 15. *C.* 1. *Ced. Prov.* 1804 *R.* 11. § 28. *C.* 1.

45. The Ruwanas of any one Custom-house shall be current throughout the Provinces. *Beng.* 1801 *R.* 11. § 14. *C.* 2. *Ced. Prov.* 1804 *R.* 11. § 27. *C.* 2.

46. If the application for a Ruwana mention a smaller quantity than what it shall be attempted to pass, the goods shall be confiscated; and if an inferior value, double

duties

A. D. 1801 duties and commission shall be charged. *Beng.* 1801 *R.* 11. § 13. *C* 3. *Ced. Prov.* 1804 *R.* 11 § 26. *C.* 3.

47. Ruwanas are to be taken for the Company's investment; but no duty, commission, nor fees, shall be charged. *Beng.* 1801 *R.* 11. § 26. *C.* 8. *Ced. Prov.* 1804 *R.* 11. § 26. *C.* 8. *Ben.* 1805 *R* 4 § 3.

48. All Ruwanas are to be on stampt paper except those given with the Company's investment. *Beng.* 1801 *R.* 11. § 22.

49. Registers are to be kept of Ruwanas granted from any Custom-house *Beng.* 1801 *R.* 11. § 13. *C.* 9. *Ced. Prov.* 1804 *R.* 11. § 26 *C* 9.

50. Of Ruwanas produced with passing goods. *Beng* 1801 *R.* 11. § 14 *C.* 3. *Ced Prov.* 1804 *R.* 11. § 27. *C.* 3.

51. And of exchanged Ruwanas issued. *Beng.* 1801 *R* 11. § 15 *C* 3. *Ced Prov.* 1804 *R.* 11 § 28 *C.* 3.

52 Goods attempting to pass any Custom-house without a Ruwana shall be confiscated *Beng* 1801 *R.* 11. § 11 *Ced. Prov.* 1804 *R* 11. § 25.

53. Also goods in larger quantity than specified in the Ruwana. *Beng* 1801 *R* 11. § 14. *C.* 2. *Ced. Prov* 1804 *R.* 11. § 27. *C* 2

54. Goods superior to the valuation in the Ruwana shall pay double duty *Beng.* 1801 *R.* 11. § 14 *C* 2 *Ced Prov.* 1804 *R.* 11. § 27. *C.* 2.

55. Ruwanas granted at Calcutta, Hoogly and Chittagong on sea goods which have paid the duty on importation, shall exempt such goods from further duties on transportation into the interior. *Beng.* 1801 *R.* 11 § 10. *C* 1

56. And on exportation beyond the Provinces. *Beng.* 1801 *R.* 11. § 10 *C* 2.

A. D. 1802 57. The Calcutta Custom Master shall levy the duties on the amount in which by inquiry he may find goods to be underrated in the Ruwana *Beng.* 1802 *R* 5 § 7.

58. Sea goods from foreign settlements, after paying duties at Hooglv, shall be entitled to Ruwanas exempting them from further duties on transportation through the Provinces, or exportation out of the Provinces. *Beng.* 1802 *R* 5. § 9 *C* 4

59. Ruwanas, free of duty, are to be granted with articles of consumption imported from Europe. *Beng. Ben.* 1802 *R.* 7. § 2. *Ced Prov* 1804 *R.* 11. § 22.

A. D. 1806 60. No salt shall be transported by land or water without a Chelan in addition to the Ruwana or Chorchittee. *Beng.* 1806 *R.* 9. § 2 *C.* 1.

61. Every boat or vessel, or division of bullocks, shall be furnished with a Chelan by the officer in charge of the Gola whence the salt shall be cleared. *Beng.* 1806 *R.* 9. § 2. *C.* 2.

61. The Chelans, where practicable, shall be signed by the European officer or head native officer of the Gola; and shall contain the quantity, the date of the sale, the number of the lot, the names of the original purchaser and present proprietor of the salt, of the Gomashta to whom deliverable, of the proprietor, and of the Manjhi or Sirdar of the boat or bullocks, the number and total quantity of the original Ruwana, the description, burthen and number of oars of the boat or vessel, the number of bullocks, and the place of destination *Ben.* 1806 *R.* 9. § 2. *C.* 3. A. D. 1806

63. The proprietor or person receiving the salt shall certify on the Chelan that it is correct. *Beng.* 1806 *R.* 9. § 2. *C.* 4.

64. The Chelan must be kept on board of the boat, or with the bullocks, and produced at a moment's warning to any officer authorized to attach illicit salt; and the salt shall be liable to confiscation, if the Chelan be not produced instantly, or the Ruwana be not produced in twenty-four hours, or the Chelan be not found to correspond in every particular with the salt and with the Ruwana. *Beng.* 1806 *R.* 9 § 3.

65. The Darogha or Mohurer of Salt Chokies shall examine personally the salt and Chelan on board of every boat coming to his station, and shall not require the Chelan to be removed from on board, and, if the salt correspond with the Chelan, shall certify the same on the Chelan with the date. *Beng* 1806 *R* 9. § 4. *C.* 2.

66 Any fraudulent dealings with respect to Chelans shall be punished under Section 2, Regulation 6 of 1801, as fraudulent dealings with respect to Ruwanas. *Beng.* 1806 *R.* 9. § 5.

SACRIFICES.

1 Persons, who wilfully, and in the intention of taking away life, shall throw or cause to be thrown an unadult person into the sea or a river, or any other water with or without his consent, if such person shall in consequence perish, are to be sentenced on conviction to death, and all parties acting or abetting shall be deemed accomplices in murder *Beng. Ben.* 1802 *R* 6. § 2. A. D. 1802

2. If the person thrown into the water escape alive, all parties concerned shall on conviction be punished by the Courts of Circuit for a high misdemeanor. *Beng Ben.* 1802 *R.* 6. § 3.

3. The Magistrates are to be careful in preventing such practices, and in proclaiming this Regulation at such times and places, when and where such practices have been usual. *Beng. Ben.* 1802 *R.* 6. § 4.

SALE AND GIFT BY PRIVATE CONTRACT.

1. Private transfers of estates, or of portions thereof, if according to the law of the parties and not repugnant to the Regulations of Government, are valid without the sanction A. D. 1793

A. D. 1793 tion of Government. *Beng.* 1793 *R.* 1. § 9. *Ben.* 1795 *R.* 27. § 8. *Ced. Prov.* 1803 *R.* 25. § 36. *Conq. Prov.* 1805 *R.* 9. § 26.

2. And bonâ fide transfers, since 8th January 1787, are valid without the sanction of the Board of Revenue. *Beng.* 1793 *R.* 8. § 67. *C.* 2.

3. But such transfers and private divisions of estates shall be notified to the Collector, that he may apportion the revenue: otherwise the whole estate will be held liable for the public assessment. *Beng.* 1793 *R.* 1. § 10. *Ben.* 1795 *R.* 27. § 7. *Ced. Prov.* 1803 *R.* 25. § 37. *Conq. Prov.* 1805 *R.* 9. § 27.

4. Leases to tenants, if not repugnant to the Regulations, shall remain in force, notwithstanding a private transfer of the estate. *Beng.* 1793 *R.* 44. § 4. *Ben.* 1795 *R.* 50. § 4. *Ced. Prov.* 1803 *R.* 47. § 4.

5. Bonâ fide purchases of land at private sale by native officers of a Collector are valid. *Beng.* 1793 *R.* 2. § 16. *Ben.* 1795 *R.* 5. § 16. *Ced. Prov.* 1803 *R.* 25. § 15.

6. But purchases by them at the Collector's public sales are forfeited to Government *Beng.* 1793 *R.* 2. § 15. *Ben.* 1795 *R.* 5. § 15. *Ced. Prov.* 1803 *R.* 25. § 14.

7. The Jumma on portions of estates disposed of as dependant Talooks will not be entered on the records, nor shall such transfers affect the rights of Government or the responsibility of the whole estate. *Beng.* 1793 *R.* 1. § 10. *Ced. Prov.* 1803 *R.* 25. § 37. *Conq. Prov.* 1805 *R.* 9. § 27.

8. But Zemindars are not prohibited selling or giving any part of their lands as a dependant Talook. *Beng.* 1793 *R.* 44. § 6. *Ben.* 1795 *R.* 50. § 6. *Ced. Prov.* 1803 *R.* 47. § 7.

9. If an estate be transferred in portions, or a portion of an estate be transferred, the assessment of each portion shall bear the same proportion to its actual produce as the assessment of the whole estate bears to the actual produce of the whole. *Beng.* 1793 *R.* 1. § 10. *C.* 3. *Ben.* 1795 *R.* 27. § 7. *C.* 3. *Ced. Prov.* 1803 *R.* 25. § 37. *C.* 3. *Conq. Prov.* 1805 *R.* 9. § 27. *C.* 3.

10. And if an estate held Khas or let in farm be thus transferred, the purchaser will receive Malikana until admitted to the estate under the rules for landholders who have declined to engage for their lands. *Beng.* 1793 *R.* 1. § 11. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 38 *C.* 2. *Conq. Prov.* 1805 *R.* 9. § 28. *C.* 2.

11. Life tenures for rent-free lands are not transferrible by sale or gift. *Beng.* 1793 *R.* 19 § 2. *C.* 5. *R.* 37. § 2. *C.* 5. *Ben.* 1795 *R.* 41. § 2. *C.* 5. *R.* 42. § 2. *C.* 6. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 5. *R.* 36. § 2. *C.* 6. *Cuttack* 1805 *R.* 12. § 18. *C.* 6. & 26. *C.* 6.

12. And the Courts are not empowered to adjudge the purchaser of such life tenure [illegible] entitled to hold the land rent-free. *Beng.* 1793 *R.* 19. § 2. *C.* 3. *R.* 37. § 2. *C.* 3. *Ben.* 1795 *R.* 41. § 2. *C.* 3. *R.* 42. § 2. *C.* 4. *Ced. Prov.* 1803 *R.* 31. § 2. *C.* 3. *R.* 36. § 2. *C.* 4. *Cuttack* 1805 *R.* 12. § 18. *C.* 4. & § 26. *C.* 4.

13. Hereditary tenures are transferrible; and such transfers shall be notified in six months to the Collectors: but such transfer shall not preclude Government from resuming the land if the tenure be found to be invalid. *Beng.* 1793 *R.* 19. § 20. *R.* 37. § 15. *Ben.* 1795 *R.* 41. § 20. *R.* 42. § 15. *Ced. Prov.* 1803 *R.* 31. § 15. *R.* 36. § 15.

14. Deeds of sale or gift for real property are to be registered in the office of the Register of the Zilla. *Beng.* 1793 *R.* 36. § 3. *C.* 2. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 2.

15. The not registering such deeds executed before 1st January 1796 shall not affect the right of the parties. *Beng.* 1793 *R.* 36. § 4. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* (before 24th March 1806) 1803 *R.* 37. § 4.

16. But a deed of sale or gift for real property, executed after 1st January 1796, shall, if duly registered, and if its authenticity be proved, invalidate any other sale or gift for the same property, executed also after the above date, if not registered, whether prior or subsequent to the registered deed. *Beng.* 1793 *R.* 36. § 6. *C.* 1. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* (after 24th March 180) 1803 *R.* 17. § 6. *C.* 1.

17. Unless the party, taking and registering a subsequent transfer, knew of the former deed's existence, and of its not being registered. *Beng.* 1793 *R.* 36. § 6. *C.* 3. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 6. *C.* 3.

18. All transfers of estates or of portions of estates are to be entered in the register of intermediate mutations. *Beng.* 1793 *R.* 48. § 16. *Ben.* 1795 *R.* 19. § 16. *Ced. Prov.* 1803 *R.* 42. § 16. *C.* 1.

19. No European of any description, shall purchase directly or indirectly any land beyond the limits of the town of Calcutta without the sanction of Government, under penalty of being dispossessed from the land without any indemnification for buildings or on any other account. *Beng.* 1793 *R.* 38. § 3. *Ben.* 1795 *R.* 48. § 3. *Ced. Prov.* 1803 *R.* 19. § 3.

20. The heirs of deceased invalids may dispose of their Jageers to any other invalids of the T'hana; and the purchaser shall become liable to all the same conditions as the heir. *Beng.* 1793 *R.* 43. § 5. *C.* 9. Re-enacted 1804 *R.* 1 § 9 *C.* 9

21. The manager for a disqualified landholder shall not dispose of any permanent property of the ward without the sanction of the Court of Wards. *Beng.* 1793 *R.* 10. § 16. *Ced. Prov.* 1803 *R.* 52. § 20.

22.

A. D. 1796 22. Purchases, by Amils in Benares, of lands in balance, are void, and may be set aside on prosecution within five years and repayment of the purchase money with simple interest. *Ben.* 1795 *R.* 2. § 15. *C.* 3.

23. Sale or gift by landholders of portions of their lands in Benares, as a dependant tenancy, is not prohibited. *Ben.* 1795 *R.* 50. § 6.

A. D. 1796 24. Lands, which become the property of a disqualified landholder by purchase or gift, are exempt from the authority of the Court of Wards, unless committed to the charge of that Court by order of Government: but such lands, if now under their charge, shall not be exempted from their jurisdiction. *Beng.* 1796 *R.* 3. § 2. *Ced. Prov.* 1803 *R.* 52. § 7.

A. D. 1797 Modified 1809 R. 7 § 5 25. Bills of sale, releases, assignments, and other written conveyances, and copies of such instruments, prepared and attested by a Cazee after the 31st December 1797, are to be on stampt paper from two Annas to one Rupee. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 1.

ditto 26. And if unstampt, shall not be received in evidence till payment of ten times the duty. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 6.

ditto 27. But penalties may be mitigated to not less than twice the duty. *Beng. Ben.* 1797 *R.* 6. § 23 *C.* 3.

28. A fee is to be paid on the registry of any transfer of the whole, or a portion, of a landed estate. *Beng. Ben.* 1797 *R.* 15. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 23. § 10. *C.* 1.

29. At the rate of four Annas per cent on the annual Jumma of Malguzaree land. *Beng. Ben.* 1797 *R.* 15. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 23. § 10. *C.* 2.

30. Of two and half per cent on the annual produce of rent-free land. *Beng. Ben.* 1797 *R.* 15. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 23. § 10. *C.* 3.

31. Payable by the party to whom the property is transferred. *Beng. Ben.* 1797 *R.* 15. § 8. *Ced. Prov.* 1803 *R.* 23. § 15.

32. And recoverable by the same process with revenue arrears. *Beng. Ben.* 1797 *R.* 15. § 8. *Ced. Prov.* 1803 *R.* 23. § 12.

33. The fee on any transfer shall not exceed 100 Rupees. *Beng. Ben.* 1797 *R.* 15. § 6. *Ced. Prov.* 1803 *R.* 23. § 13.

34. Persons, refusing accounts of the transferred land for the calculation of the fee, may be fined by the Board daily until compliance. *Beng. Ben.* 1797 *R.* 15. § 4. *Ced. Prov.* 1803 *R.* 23. § 11.

35. All private transfers of real property, adjudged to one party and left in the possession of the other during his appeal, are null and void in the event of the judgment in appeal being against the party making such transfer. *Beng. Ben.* 1798 *R.* 5. § 4. *Ced. Prov.* 1803 *R.* 4. § 14. *C.* 1. A. D. 1798

36. And the same principle is applicable to cases in which possession shall have been given to the party to whom adjudged. *Beng. Ben.* 1798 *R.* 5. § 5. *Ced. Prov.* 1803 *R.* 4. § 14. *C.* 2.

37. Transfers of dependant Talooks are to be registered in the Cuchery of the Zemindar. *Beng.* 1799 *R.* 7. § 15. *C.* 8. A. D. 1799

38. No private sale, gift or transfer of land sold for recovery of revenue arrears shall be admitted to bar the prior right of Government to hold the land answerable for the assessment. *Beng.* 1799 *R.* 7. § 29. *C.* 5. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 11.

39. Nor the private sale of a crop, to bar the claim of rent for the ground on which the crop grew. *Beng.* 1799 *R.* 7. § 9. *Ben.* 1800 *R.* 5. § 9. *Ced. Prov.* 1803 *R.* 28. § 17. *C.* 2.

40. Deeds of sale, gift, demise, or other transfer of property executed after the 30th September 1800, and copies thereof prepared as legal vouchers, by a Cazee, Muftee, or any other person, are to be on stampt paper from four Annas to two Rupees according to the size of the paper. *Beng. Ben.* 1800 *R.* 7. § 5. *C.* 1. A. D. 1800

41. And if unstampt, shall not be received in evidence until stampt. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 1.

42. Unstampt deeds, produced to a Collector in sixty days after execution, may be stampt on payment of five times the duty. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 2.

43. And if produced after sixty days, on payment of ten times the duty. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 3.

44. But the Board of Revenue may remit the penalty on evident proof of ignorance. *Beng. Ben.* 1800 *R.* 7. § 6. *C.* 4.

45. Persons, executing or causing to be executed an unstampt deed, shall be fined ten times the duty; but the Court may remit the penalty. *Beng. Ben.* 1800 *R.* 7. § 7.

46. All transfers of lands are to be recorded in the intermediate Pergunna register; but no transfer, on which an allotment of the public assessment may be necessary, shall be registered until the assessment shall have been allotted according to the Regulations. *Beng. Ben.* 1800 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 42. § 34.

A. D. 1800 47. Persons not reporting to the Collector their acquisition of an estate by purchase or gift, or pretending to an acquisition which has not taken place, may be fined by Government on report of the Collector through the Board: guardians of minors are to report the ward's acquisition of an estate, under the same penalty. *Beng. Ben.* 1800 *R.* 8. § 21. *Ced. Prov.* 1803 *R.* 42. § 41.

A. D. 1801 48. Private transfers of any portion of an estate, made subsequently to Regulation 25 of 1795, shall be deemed altogether done away, if the lands shall have been included in any public sale of land for arrears previous to a separate allotment of the public assessment being obtained on such transferred portion. *Beng. Ben.* 1801 *R.* 1. § 14.

A. D. 1803 49. Pensions granted as an indemnification for resumed Altumgha, or the land held on Sunnuds in perpetuity, may be assigned to another person by regular deed. *Ced. Prov.* 1803 *R.* 24. § 2.

A. D. 1804 50. The heirs of deceased invalids may dispose of their Jageers to any other invalids of the Thana; and the purchaser shall become liable to all the same conditions as the heir. *Beng.* 1804 *R.* 1. § 9. *C.* 9.

A. D. 1806 51. Private alienations of property attached for want of security from defendants pending the suit shall be null and void. *Beng. Ben. Ced. Prov.* 1806 *R* 2. § 5. *C.* 2.

SALE OF LAND BY PUBLICK AUTHORITY.

I. *WHEN IT SHALL TAKE PLACE.*

1. For Arrears of Revenue.

A. D. 1793 1. Landed estates, or an adequate portion, will be invariably sold to make good arrears of revenue. *Beng.* 1793 *R.* 1. § 7.

2. Except the lands of disqualified landholders, which are not liable for arrears accrued during the disqualification. *Beng.* 1793. *R.* 1. § 8. *C.* 5. *Ced. Prov.* 1803 *R.* 52. § 6.

Modified 1794 R 3 § 5 3. An adequate portion of land shall be reported for sale to make good every arrear of revenue due at the end of the year from landholders and farmers not in confinement. *Beng.* 1793 *R.* 14. § 13.

ditto 4. Or on the collections of the attached lands of a confined landholder or farmer. *Beng.* 1793 *R.* 14. § 22.

5. But no sale shall be made without the sanction of the Governor General in Council. *Beng.* 1793 *R.* 14. § 13. *Ben.* 1795 *R.* 6. § 19. *Ced. Prov.* 1803 *R.* 26. § 14. *R.* 27. § 19.

6. Who may in his discretion order a sale previous to the end of the year. *Beng.* 1793. *R.* 14 § 22. *Ben.* 1795 *R.* 6. § 29. *Ced. Prov.* 1803 *R.* 27. § 29. A. D. 1793

7. The Board of Revenue may recommend to Government the sale of a surety's land either during the year or at its close. *Beng.* 1793 *R.* 14. § 24. *Ben.* 1795 *R.* 6. § 30. *Ced. Prov.* 1803 *R.* 27. § 30. *C.* 3.

8. The sale is not to be made, if a suit should have been instituted for disputing the arrear, until the decision of the suit. *Beng.* 1793 *R.* 14. § 13. *Ben.* 1795 *R.* 6. § 19. *Ced. Prov.* 1803 *R.* 27. § 19. Rescinded Beng 1794 R. 8 § 6

9. Nor if security be given previous to the day of sale for bringing such a suit: if the sale be in Calcutta, the security, if not given to the Revenue Board, must be tendered eight days previous to the Collector, who shall communicate it by two posts to the Board: if the sale be in the Zilla, the Collector shall report to the Board of Revenue his acceptance of security. *Beng.* 1793 *R.* 14. § 22. *Ben.* 1795 *R.* 6. § 29. *Ced. Prov* 1803 *R.* 27. § 29. ditto

10. An adequate portion of land is to be reported for sale every month for the arrear of the preceding month, and shall be advertised for sale by authority of the Board, but not actually sold till sanctioned by Government. *Beng.* 1794 *R.* 3. § 5. A. D. 1794 Modified 1799 R. 7 § 25 C. 5

11. Though the arrear should be discharged, yet, if other arrears have accrued, the sale is to take place *Beng.* 1794 *R.* 3. § 7. ditto

12. The attached property of an absconding or defaulting Tehsildar &c. may be sold by order of the Revenue Board. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 3.

13. Government has a right to sell land in Benares for the recovery of revenue arrears. *Ben.* 1795 *R.* 2. § 26. A. D. 1795

14. In cases of great embezzlement of the funds for payment of the revenue, Government will enforce that part of the landholder's engagement which renders his property real or personal liable to sale. *Ben.* 1795 *R.* 6. § 17. *C.* 5. *Ced. Prov.* 1803 *R.* 27. § 17. *C.* 5.

15. And in particular cases will order the sale of a farmer's property. *Ben.* 1795 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 27. § 18. *C.* 4.

16. But no sale of land of a dispossessed Zemindar shall take place for arrears accrued during his dispossession. *Ben.* 1795 *R.* 27. § 5. *C.* 5.

17. Nor at any time till his restoration. *Ben.* 1795 *R.* 27. § 8.

18. Such lands shall be selected for sale, as, from the current value of land, may A. D. 1795

appear

A. D. 1796 appear likely to fell for the amount of the arrear and no more. *Beng.* 1796 *R.* 5. § 2. ext. *Ben.* 1800 *R.* 5. § 36. *Ced. Prov.* 1803 *R.* 26. § 2. *C.* 2.

19. Diftinct Mehals are to be fold in diftinct lots, and confiderable Mehals fhall be divided into lots where it can be conveniently done, unlefs the proprietor defire, or it fhould appear to be for his advantage, that the whole be fold in one lot. *Beng* 1796 *R.* 5. § 3. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 2. *C.* 4.

20. If the firft lot, or any number of lots, produce the amount required, the other lots fhall not be fold: any furplus produced by the fale fhall be paid to the proprietor, unlefs otherwife ordered. *Beng.* 1796 *R.* 5. § 4. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 3.

21 And lands put up fhall be fold whatever be the amount bid: any furplus produced by the fale fhall be paid to the proprietor unlefs otherwife ordered. *Beng.* 1796 *R.* 5. § 5. ext. *Ben.* 1800 *R.* 5. § 26.

22. Lands, which may become the property of a difqualified landholder by purchafe, gift or any mode except inheritance, are liable to fale for arrears of revenue; but not if fuch lands be already under charge of the Court of Wards, or if Government fhould think proper to place them under charge of the Court. *Beng.* 1796 *R.* 3. § 2. *Ced. Prov.* 1803 *R.* 52. § 7.

A. D. 1799 23. If an arrear of revenue ftill remain due at the end of the year, the Collector is to report an adequate portion of the defaulter's lands for fale. *Beng.* 1799 *R.* 7. § 23. *C.* 5. *Ced. Prov.* 1803 *R.* 26. § 2. *C.* 1.

24. The lands of a farmer or furety fhall be fold as foon after the clofe of the year as poffible. *Beng.* 1799 *R.* 7. § 23. *C.* 6.

25. But Government may order the fale to take place within the year. *Beng.* 1799 *R.* 7. § 23. *C.* 8.

A. D 1800 26. Eftates of minors, under guardians appointed by the Civil Courts, are liable to fale for balances of revenue. *Beng. Ben.* 1800 *R.* 1. § 6. *Ced. Prov.* 1805 *R* 8. § 29. *C.* 13.

A. D. 1801 27. Government will order the fale of a defaulter's lands during the year, if he withhold required accounts of land under attachment. *Beng. Ben.* 1801 *R.* 1. § 3.

28. And the fale of his whole eftate, if he withhold the accounts neceffary for allotting the Jumma on a portion ordered for fale: but the portion only fhall be fold, if he produce the accounts before the day of fale; and he fhall inftead be fined by Government, in addition to any previous fine. *Beng. Ben.* 1801 *R.* 1. § 5. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 2.

29.

29. If the Jumma of an eſtate do not exceed 500 Rupees, or the computed value of the eſtate ſhould not much exceed the amount to be realized by the ſale, the Board may order the ſale of the whole eſtate. *Beng. Ben.* 1801 *R.* 1. § 6. *Ced. Prov.* 1803 *R.* 26. § 2. *C.* 3. A. D. 1801

30. In ſubdividing large eſtates for ſale in lots, all eſtabliſhed local diviſions of known limits are as far as poſſible to be preſerved. *Beng. Ben.* 1801 *R.* 1. § 7. *Ced. Prov.* 1803 *R.* 26. § 2. *C.* 5.

31. No fractional part of an eſtate ſhall be ſold to be held in joint tenancy, without the ſanction of Government. *Beng. Ben.* 1801 *R.* 1. § 11. *Ced. Prov.* 1803 *R.* 26. § 13.

32. The eſtates of joint proprietors are liable for ſale. *Beng.* 1805 *R.* 17. § 3. A. D. 1805

2. In other Cases.

1. Eſtates forfeited for reſiſtance to proceſs of Zilla Courts of Civil Judicature may be ſold at the diſcretion of Government. *Beng.* 1793 *R.* 4. § 23. *Ben.* 1795 *R.* 8. § 6. *C.* 2. *Ced. Prov.* 1803 *R.* 3. § 24. A. D. 1793

2. For reſiſtance to proceſs of Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 24. *Ben.* 1795 *R.* 9. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 4. § 24.

3. And of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 25. *Ben.* 1795 *R.* 10. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 5. § 25.

4. Or of Collectors. *Beng.* 1793 *R.* 14. § 18. *Ben.* 1795 *R.* 6. § 25. *Ced. Prov.* 1803 *R.* 27. § 25.

5. And for boundary affrays. *Beng.* 1793 R. 49. § 6. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 6.

6. A portion of the lands, if reſtored after forfeiture for reſiſtance to the Collector's proceſs, ſhall be ſold, if the collections during attachment ſhould fall ſhort of the revenue, together with the charges and the fine which may be impoſed. *Beng.* 1793 *R.* 14. § 17. *Ben.* 1795 *R.* 6. § 24. *Ced. Prov.* 1803 *R.* 27. § 24.

7. When a ſale of land ſhall be requiſite for enforcing a decree, the Court is to ſend a copy and tranſlation of the decree to the Board of Revenue. *Beng.* 1793 *R.* 45. § 2. *Ben.* 1795 *R.* 20. § 2. *Ced. Prov.* 1803 *R.* 26. § 16.

8. Who are to proceed immediately to ſell an adequate portion of the land of the party againſt whom the decree is given, reporting it to Government. *Beng.* 1793 *R.* 45. § 3. *Ben.* 1795 *R.* 20. § 3. *Ced. Prov.* 1803 *R.* 26. § 17.

9. Similar rules are to be obſerved for the ſale of rent-free land. *Beng.* 1793 *R.* 45. § 17. *Ben.* 1793 *R.* 20. § 17. *Ced. Prov.* 1803 *R.* 26. § 26.

A. D. 1798 10. The Court, which ordered the sale, may, on the decree being satisfied, or for other sufficient cause to be stated, countermand or postpone the sale by precept to the Collector, or by address to the Board; and prescribe a further date for the sale. *Beng.* 1793 *R* 45. § 16. *Ben.* 1795 *R.* 20 § 16. *Ced. Prov.* 1803 *R.* 26. § 24.

11. Landed property of landholders convicted of conniving at robberies may be sold, in the discretion of Government, to make good the value of the property robbed. *Beng.* 1793 *R.* 22. § 3.

A. D. 1796 12. Lands, forfeited for resistance to process of Magistrates, are to be disposed of as Government may direct. *Beng. Ben.* 1796 *R.* 11. § 3. *Ced. Prov.* 1804 *R.* 3. § 3.

13. And lands attached in consequence of the proprietor absconding from a criminal charge. *Beng. Ben.* 1796 *R.* 11. § 6. *Ced. Prov.* 1804 *R.* 4. § 6.

A. D. 1797 14. Lands, forfeited for neglect of Police duties in Benares by landholders, are to be disposed of as Government may direct. *Ben.* 1797 *R* 2. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 35 § 3. *C.* 5.

A. D. 1801 15. If the sale of a share in a joint undivided estate should be necessary under a decree, it shall be made under the provisions of Regulation 25 of 1793. *Beng. Ben.* 1801 *R.* 1. § 11. *Ced. Prov* 1803 *R* 26. § 13.

A. D. 1805 16. The landed property of Zemindars entrusted with the charge of Police in the Jungul Mehals convicted of conniving at robberies may be sold in the discretion of Government to make good the value of the property robbed. *Beng.* 1805 *R* 18. § 7. *C.* 17.

II. *HOW IT SHALL BE MADE.*

1. For Arrears of Revenue.

A. D. 1793 1. Sale of land for recovery of revenue arrears is to be made by the Collector or Board, according as Government may direct; publication being made, for a month, of the day and place of sale, with all particulars of the land, Jumma and conditions of sale, and affixed in the Dewannee Adaulut, Collector's Cuchery, Office of the Board, and principal place in the estate. *Beng.* 1793 *R.* 14. § 26. *Ben.* 1795 *R.* 6. § 32. *Ced. Prov.* 1803 *R.* 26. § 5.

Modified 1790 R. 12 § 2 2. A deposite of five per cent is to be made on the amount purchase; and, if the purchase money be not paid at the limited time, the deposite shall be forfeited and the land resold at the risk of the purchaser; who is to be proceeded against for any deficiency on the resale or for the deposite if not paid (as sureties of farmers are proceeded against for revenue arrears) after written demand by the Collector, or by the Board if resident in Calcutta. *Beng.* 1793 *R.* 14. § 27. *Ben.* 1795 *R.* 6. § 33. *Ced. Prov.* 1803 *R* 26. § 7.

3. The purchaser is not liable for arrears or suspensions of revenue, unless it be so specified; they are to be recovered by the sale of any other property or by confinement of the proprietor: arrears of rent due from the tenants belong to the former proprietor, who may sue for them or transfer them to the purchaser. *Beng.* 1793 *R.* 14. § 28. *Ben* 1795 *R.* 6. § 34. *Ced. Prov.* 1803 *R.* 26. § 8.

4 All expenses, attending the sale and attachment, are to be deducted from the proceeds *Beng.* 1793 *R.* 14. § 26. *Ben.* 1795 *R.* 6. § 32. *Ced. Prov.* 1803 *R.* 26. § 5.

5. Any profit on a resale will belong to the defaulter, if the land be sold for recovery of arrears. *Beng.* 1793 *R.* 14. § 27. *Ben.* 1795 *R.* 6. § 33. *Ced. Prov.* 1803 *R.* 26. § 7.

6. When a sale of land is ordered for recovery of revenue arrears, the land shall be attached through an Ameen or the nearest Tehsildar, if not already under attachment for the arrear. *Beng.* 1793 *R.* 14. § 25. *Ben.* 1795 *R.* 6. § 31 *Ced. Prov.* 1803 *R.* 27. § 31.

7. If the land of a surety be in another Zilla, it shall be attached by deputation of an Ameen or through the Collector of such other Zilla. *Beng.* 1793 *R.* 14. § 24. *Ben* 1795 *R.* 6 § 30. *Ced. Prov.* 180. *R.* 27. § 30.

8. Purchases of land at a public sale before a Collector, by a native officer, private servant or dependant of the Collector or of his Assistant, shall be forfeited to Government on proof to the satisfaction of the Governor General in Council. *Beng.* 1793 *R.* 2. § 15. *Ben.* 1795 *R* 5. § 15 *Ced. Prov.* 1803 *R.* 25. § 14.

9. All leases to under farmers &c. are cancelled by a sale for balances. *Beng.* 1793 *R.* 44 § 5. *Ben.* 1795 *R.* 50. § 5. *Ced. Prov.* 1803 *R.* 47. § 5.

10. But not by a sale in execution. *Beng* 1793 *R* 44. § 4. *Ben.* 1795 *R.* 50. § 4. *Ced. Prov.* 1803 *R.* 47 § 4.

11. Nor the leases to invalided Sepoys. *Beng.* 1793 *R.* 43. § 6. Re-enacted 1804 *R.* 1 § 1

12. The assessment on each portion of an estate sold in lots, shall bear the same proportion to its actual produce, as the assessment on the entire estate bears to the actual produce of the whole. *Beng.* 1793 *R.* 1. § 10. *C.* 1. *Ben.* 1795 *R.* 27. § 7. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 37. *C.* 1. *Conq. Prov.* 1805 *R.* 9. § 27. *C.* 1.

13. And the assessment of a portion of an estate sold in one lot. *Beng.* 1793 *R.* 1. § 10. *C.* 2. *Ben.* 1795 *R.* 27. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 37. *C.* 2. *Conq. Prov.* 1805 *R.* 9. § 27. *C.* 2.

14. An estate held Khas, or let in farm, will be sold at such assessment as the Governor General in Council may deem equitable; and the purchaser, if the estate be farmed,

A. D. 1793 med, will receive Malikana till the avoidance of the lease. *Beng.* 1793 *R.* 1. § 11. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 38. *C.* 1. *Conq. Prov.* 1805 *R.* 9. § 28. *C.* 1.

15. The assessment on lands sold at public sale shall be apportioned by the Collector *Beng.* 1793 *R.* 2. § 8. *C.* 9. *Ben.* 1795 *R.* 5. § 7. *C.* 9. *Ced. Prov.* 1803 *R.* 25. § 7. *C.* 9.

A. D. 1795 16. In view of the nature of tenures in Benares, it is declared, that the purchaser of lands, in which there may be more than one person possessing claims, is to be considered as having purchased the right only of the party on whose account the sale was made. *Ben.* 1795 *R.* 20. § 19.

17. Purchases by Amils of lands in arrear of revenue, are null and void; and the proprietors, being within five years, may regain possession on repayment of principal and simple interest. *Ben.* 1795 *R.* 2. § 15. *C.* 3.

A. D. 1796 18. The deposits on the purchase money of lands publicly sold is to be fifteen per cent, liable to forfeiture on nonpayment of the purchase money. *Beng. Ben.* 1796 *R.* 12. § 2 *Ced. Prov.* 1803 *R.* 26. § 7.

19. The assessment on portions of estates sold is to be allotted as directed by Regulations. *Beng. Ben.* 1796 *R.* 5. § 3. *Ced. Prov.* 1803 *R.* 26. § 18.

20. Leases to under farmers, &c. are wholly cancelled under Section 5, Regulation 44 of 1793, though a part only of the lands in their leases should be sold. *Beng. Ben.* 1796 *R.* 3. § 3.

A. D. 1799 21. Sales are to be made according to existing rules, with the following modifications. *Beng.* 1799 *R.* 7. § 28. *Ben.* 1800 *R.* 5. § 26.

22. Proprietors, &c. not furnishing accounts required when lands are ordered for sale, may be fined by the Board as per Section 10, Regulation 45 of 1793. *Beng.* 1799 *R.* 7 § 29 *C.* 1. ext. *Ben.* 1800 *R.* 5. § 26. *Ced Prov.* 1803 *R.* 26. § 4. *C.* 1.

23. All information and accounts, on which the Jumma has been allotted, shall be delivered to the purchaser: but Government do not guarantee them; and, if the purchaser shall prove in one year to Government through the Collector and Board, that the accounts are false, Government will order a new allotment: no objection of this sort to past sales will be received, unless preferred in one year from this date. *Beng.* 1799 *R.* 7. § 29. *C.* 2. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 6. *C.* 1.

24. Purchases shall be made in the name of the actual purchaser, whether he buy in person, or through an authorized Agent, under penalty of forfeiture or other penalty in the discretion of Government, if a fictitious or substituted name be used. *Beng.* 1799 *R.* 7. § 29. *C.* 3. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 9.

25.

25. Purchases by the defaulter are prohibited under penalty of forfeiture; and the Collectors shall inquire into, and report through the Board to Government, all such illicit purchases: but the party may contest the order of forfeiture by suit against Government, under Section 46, Regulation 14 of 1793. *Beng.* 1799 *R.* 7. § 29. *C.* 4. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 10. A. D. 1799

26. The Collectors are to give possession to the purchaser, by publication of his purchase at the Cuchery of the estate and of the Zilla Court, and by application to the Judge if necessary; and the Judge shall give possession, by the usual process, of all the property specified in the publication: if the former proprietor, or the purchaser, shall think himself entitled to any part of the property delivered, or to any thing more than delivered by the Judge, they may respectively sue in the Court; and any third person, claiming part of the property delivered, may sue the purchaser jointly with the late possessor, who, on proof of such person's right, is to pay to the purchaser damages equal to the loss incurred by such person's recovering his right: but no plea of purchase or mortgage shall be admitted in bar of Government's claim to the revenue. Purchasers at sales for arrears may eject, without suit in Court, tenants whose leases are annulled by Section 5, Regulation 44 of 1793, and who decline to renew them under Section 7, Regulation 4 of 1794; but all other disputes between the tenants and purchaser are to be settled in the Court *Beng.* 1799 *R.* 7. § 29. *C.* 5 ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 11.

27. The Board of Revenue is to conduct sales without reference to Government, except when instructions may be necessary: and to be attentive in the selection of lands for sale, in the allotment of the Jumma, in fixing the establishments of Ameens, which the Collectors are to report for approbation immediately after attachment, with particular care as to the choice of proper persons, as to the securities required by Section 15, Regulation 3 of 1794, and as to the expense of the establishment. *Beng.* 1799 *R.* 7. § 30. ext. *Ben.* 1800 *R.* 5 § 27. *Ced. Prov.* 1803 *R.* 26. § 28.

28. The Collectors are to take every precaution in assessing portions of land sold; but no assessment by a Collector shall be final till sanctioned by the Board. *Beng. Ben.* 1801 *R.* 1. § 8. A. D. 1801

29. All native Agents, furnishing accounts of lands ordered for sale, shall be liable to the rules of Section 62, Regulation 8 of 1793; and, if convicted in a Civil Court of fabricating accounts, shall be dismissed by the proprietor, under a specified penalty if he again employ them. *Beng. Ben.* 1801 *R.* 1. § 8. *Ced. Prov.* 1803 *R.* 29. § 3. *C.* 2.

30. If a sale should be made after the second month of the year, the leases, which would become cancelled, shall continue till the end of the year unless collusive. *Beng. Ben.* 1801 *R.* 1. § 9. *Ced. Prov.* 1803 *R.* 47. § 5.

A. D. 1801 31. The purchasers shall attend the Collector in person, or by an authorized Agent, to sign the Kubooliut &c. In case of suspicion respecting the true purchaser, the Collector may cause his attendance before himself, or before the Collector of any other Zilla if there residing; and report of the inquiry is to be made to the Board: the Collector may, at any time, require by written summons personal attendance of landholders &c. unless the business can be done by an Agent; but a Collector, unnecessarily summoning a landholder &c. may be sued for damages. *Beng. Ben.* 1801 *R.* 1. § 10. *Ced. Prov.* 1803 *R.* 26. § 12.

A. D. 1804 32. Leases to invalided Sepoys are not cancelled by a sale of the estate. *Beng.* 1804 *R.* 1. § 10.

2. In other Cases.

A. D. 1793 1. The sale of land in execution of a decree is to be made in Calcutta, or in the Zilla, according as the Board may deem most advantageous to the party. *Beng.* 1793 *R.* 45. § 3. *Ben.* 1795 *R.* 20. § 3. *Ced. Prov.* 1803 *R.* 26. § 17.

2. Previous publication of one month being made of the day and place of sale, with all particulars of the land and Jumma, and the conditions of sale; and affixed in the Dewannee Adaulut, the Collector's Cuchery, the office of the Board, and the principal place of the estate. *Beng.* 1793 *R.* 45. § 12. *Ben.* 1795 *R.* 20. § 12. *Ced. Prov.* 1803 *R.* 26. § 5.

Modified A. D. 1810 *R.* 12 § 8 3. A deposite of five per cent is to be made on the purchase money, and forfeited if the purchase money be not paid; and the lands shall be resold at the risk of the first purchaser. *Beng.* 1793 *R.* 45. § 13. *Ben.* 1795 *R.* 20. § 13.

4. Any profit on the resale will belong to the proprietor; and any loss on the resale, or the deposite, if not made good by the purchaser shall after notice served on him by the Collector, or by the Board if resident in Calcutta, be recovered by the process for enforcing decrees. *Beng.* 1793 *R.* 45. § 14. *Ben.* 1795 *R.* 20. § 14. *Ced. Prov.* 1803 *R.* 26. § 7.

5. Purchasers are not liable for arrears or suspensions of revenue unless specified in the conditions of sale; they shall be deducted from the proceeds or recovered by process against the property or person of the former proprietor: arrears of rent due from the tenants belong to the former proprietor, who may sue for them or transfer them to the purchaser. *Beng.* 1793 *R.* 45. § 15. *Ben.* 1795 *R.* 20. § 15. *Ced. Prov.* 1803 *R.* 26. § 8.

6. When a sale of land is ordered for recovery of a decree, the Board may order the Collector to attach the land through an Ameen or the nearest Tehsildar. *Beng.* 1793 *R.* 45. § 5. *Ben.* 1795 *R.* 20. § 5. *Ced. Prov.* 1803 *R.* 26. § 19.

7.

7. The expenses, attending the attachment and sale, are to be made good out of the collections or the proceeds of the sale. *Beng.* 1793 *R.* 45. § 6. *Ben.* 1795 *R.* 20. § 6. *Ced. Prov.* 1803 *R.* 26. § 20. A. D. 1793 Modified 1795 R. 12 § 6

8. The proprietor may appoint an Agent to keep counterpart accounts of the Ameen's collections; and the Ameen shall collect according to the engagements or according to the Pergunna rates when no engagements exist; and shall be liable to prosecution by the tenants for infringing the engagements, and by the proprietor for embezzlements and injuries done to the estate. *Beng.* 1793 *R.* 45. § 7. *Ben.* 1795 *R.* 20. § 7. *Ced. Prov.* 1803 *R.* 26. § 21.

9. The proprietor or farmer resisting the Ameen shall be proceeded against as for resisting the Collector's process. *Beng.* 1793 *R.* 45. § 9. *Ben.* 1795 *R.* 20. § 9. *Ced. Prov.* 1803 *R* 26. § 23.

10. And refusing to attend the Ameen with his accounts on requisition of the Collector, may be fined by the Board daily until he comply. *Beng.* 1793 *R.* 45. § 10. *Ben.* 1795 *R.* 20. § 10. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

11. Also for refusing to send the Putwaries with their accounts. *Beng.* 1793 *R.* 45. § 11. *Ben.* 1795 *R.* 20. § 11. *Ced. Prov.* 1803 *R.* 26. § 4. *C.* 1.

12. When a sale shall have taken place, the Collector is to make the necessary entries in the appropriate registers. *Beng.* 1793 *R.* 45. § 18. *Ben.* 1795 *R.* 20. § 18. *Ced. Prov.* 1803 *R.* 26. § 27.

13. The Jumma on a portion of an estate sold is to be adjusted according to the Regulations. *Beng.* 1793 *R.* 45. § 4. *Ben.* 1795 *R.* 20. § 4 *Ced. Prov.* 1803 *R.* 26. § 18.

14. Leases to under tenants &c. are not cancelled by a sale in execution. *Beng.* 1793 *R.* 44. § 4. *Ben.* 1795 *R.* 50. § 4. *Ced. Prov.* 1803 *R.* 47. § 4.

15. Sale of land on a confirmed decree of forfeiture is to be made in the same mode as for recovery of revenue arrears. *Beng.* 1793 *R.* 14. § 26. *Ben.* 1795 *R.* 6. § 32. *Ced. Prov.* 1803 *R.* 26. § 5.

16. Any profit on a resale will belong to Government, if the estate be sold as a forfeiture. *Beng.* 1793 *R.* 14. § 27. *Ben.* 1795 *R.* 6. § 33. *Ced. Prov.* 1803 *R.* 26. § 7.

17. The deposite on the purchase money of lands publickly sold, is to be fifteen per cent, liable to forfeiture on nonpayment of the purchase money. *Beng. Ben.* 1796 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 26. § 7. A. D. 1758

SALT.

SALT.

I. *RULES FOR THE AGENT AND HIS OFFICERS.*

A. D. 1793

1. Salt Agents are amenable to Civil Courts for acts done officially in opposition to any Regulation. *Beng.* 1793 *R.* 3. § 10.

2. But not for acts done pursuant to a special order of Government or of the Board of Trade, unless leave be granted by Government on the petition of the party aggrieved. *Beng.* 1793 *R.* 3. § 11.

3. Any person, aggrieved by an act of a Salt Agent done in pursuance of special orders of Government or of the Board, is to present a petition to the Judge stating the grievance and praying the leave of Government to sue. On the transmission of the petition by the Judge, if Government should permit a suit to be tried for such an act, the Agent is to defend it under the directions of Government, or of the Board, through the Vakeel of Government: if Government be cast, the Agent shall send the decree and proceedings to Government, or to the Board, with a letter stating his objections; and Government will order an appeal or not as may be deemed advisable: costs and damages in such suits are to be defrayed from the public Treasury. *Beng.* 1793 *R.* 3. § 11.

4. This rule is to be observed in matters relating to the manufacture. *Beng.* 1793 *R.* 29. § 33.

5. And in matters relating to seizures of salt. *Beng.* 1793 *R.* 30. § 11.

6. Every person appointed Agent for the provision of salt, is to be sworn before the Governor General in Council, or any person deputed by him. *Beng.* 1793 *R.* 29. § 2.

7. Native officers of a Salt Agent, convicted in a Court of Judicature of embezzlements &c. shall forfeit double the amount, and be imprisoned for a period not exceeding twelve months; and, on the representation of the Board of Trade, may be declared incapable of again serving Government. *Beng.* 1793 *R.* 29. § 15.

8. Salt Agents, their Assistants, and native officers, may be sued in Civil Courts for any breach of this Regulation; under the following modifications. *Beng.* 1793 *R.* 29. § 22. *C.* 1.

9. From Katic to Asarh, Mölungees aggrieved by the Agent, must apply first to the Agent; and, on his not giving redress, may sue in the Court. *Beng.* 1793 *R.* 29. § 22. *C.* 2.

10. Persons, aggrieved by an Assistant or head officer of a Kotee, shall first apply to the Agent, or first to the Assistant or officer, and afterwards to the Agent; and, if not redressed, may ultimately apply to the Court. *Beng.* 1793 *R.* 29. § 22. *C.* 3.

11.

11. Persons, aggrieved by a subordinate native officer, shall apply first for redress to the Agent, or first to the Assistant, or the head officer, and afterwards to the Agent; and, on the Agent not giving them ultimate redress, they may apply to the Court. *Beng.* 1793 *R.* 29. § 22. *C.* 4. A. D. 1793

12. Before the receipt of the suit, satisfactory proof must be given of the previous application to the Agent. *Beng.* 1793 *R.* 29. § 22. *C.* 5.

13. But Molungees shall not go away for the purpose of complaining, without leave of the Agent *Beng.* 1793 *R.* 29 § 22. *C.* 6.

14. The Agent may defend suits against his Assistant and officers; but is in such case answerable for the decree. *Beng* 1793 *R.* 29. § 22. *C.* 9.

15. From Siwun to Asin, Molungees may carry their complaints originally to the Civil Court, or may apply to the Agent: the Court shall try all complaints of Molungees before other suits. *Beng* 1793 *R.* 29. § 22. *C.* 10.

16. Salt Agents may set aside or alter the awards given by their Assistants and head officers on complaints of Molungees. *Beng.* 1793 *R.* 29. § 22. *C.* 7.

17. And the awards of Agents, Assistants, &c. may be appealed to the Civil Courts, if the appeal be preferred before the next season, or good cause be shown for the neglect *Beng* 1793 *R.* 29. § 22. *C.* 8.

18. Process of Civil Courts upon Salt Agents and Assistants are to be transmitted in a sealed cover directed to their address, and are to be returned with an endorsed receipt. *Beng.* 1793 *R.* 29. § 23.

19. Security is not to be demanded from Agents, Assistants and head officers of Aurungs, but may be required from subordinate officers. *Beng.* 1793 *R.* 29. § 28.

20. Communication between Agents, &c. and their pleaders at the Civil Courts, is to be in sealed letters transmitted through the Register of the Court. *Beng.* 1793 *R.* 29. § 30.

21. Suits for acts done contrary to a Regulation, and not by order of the Board or of Government, are to be defended at the cost of the Agent, &c. through a private Vakeel. *Beng.* 1793 *R.* 29. § 24.

22. But suits for acts done by order of Government, or of the Board, are to be defended at the expense of Government by the Vakeel of Government, or such other Vakeel as the Board or Agent may choose to employ. *Beng.* 1793 *R.* 29. § 25.

23. If the Board should approve of any decision against an Agent, &c. in suits brought under Section 24, they may make him responsible for the whole or a part of the

A. D. 1793 costs and damages, but the Agents, &c. may appeal at their own risk. *Beng.* 1793 *R.* 29. § 26.

24. If the Board should disapprove a decision in such a suit, they may authorize an appeal; and, in such case, the appeal shall be at the expense of Government. *Beng.* 1793 *R.* 29. § 27.

25. Where the Board deem it expedient, or receive orders from Government, they are to superintend themselves the prosecution or defence of any suit or appeal. *Beng.* 1793 *R.* 29. § 31.

26. Salt Agents, &c. are not liable to be sued for the acts of their predecessors, but suits of a private nature are to continue against the former Agent, &c. unless the Board of Trade should deem it advisable that the successor should carry on the suit: and suits of a public nature are to be continued by the successor. *Beng.* 1793 *R.* 29. § 29.

27. Salt Agents &c. are to credit in their accounts all damages awarded to them, and debit, in such manner as the Board may direct, all costs and damages awarded against them; previously obtaining the sanction of the Board to the charge. *Beng.* 1793 *R.* 29. § 32.

28. Salt Agents &c. may be sued in the Civil Courts, for damages, for contravening any Regulation respecting the coin. *Beng.* 1793 *R.* 35. § 28.

29. The Regulations of Government, as printed and published, are to be sent to the Salt Agents. *Beng.* 1793 *R.* 41. § 11.

A. D. 1798 30. Lists of Salt Chokees, and of officers belonging to them, and reports of changes in the situation of the Chokees or in the officers, are to be furnished to the Civil Courts by the Board of Trade, Salt Agents, and Ameen. *Beng.* 1798 *R.* 4. § 2.

31. Summons on such officers as defendants in civil suits, shall be sent in a sealed cover, with copy of the plaint, either to the Board, Agent or Ameen, who shall send a person to take charge of the Chokee, and order the party to attend the Court. *Beng.* 1798 *R.* 4. § 3.

32. Summons to such officers as witnesses, shall be similarly served: but such officers are not to be summoned as witnesses, except when their attendance is necessary; and they shall be examined and dismissed with all speed. *Beng.* 1798 *R.* 4. § 7.

33. Summons on such officers by Magistrates, for bailable offences, are to be sent in the same manner; and the Board &c. shall cause the party to give bail or appear before the Magistrate. *Beng.* 1798 *R.* 4. § 4.

34. In unbailable offences, the warrant is to be executed in the usual mode: but the

person serving it shall give notice of the arrest to the Board, Agent, or Salt-[illegible]. *Beng.* [illegible] 1798 *R.* 4. § 5.

35. Similar notice is to be given of such an officer's arrest in execution of a decree, before his person be removed. *Beng.* 1798 *R.* 4. § 9.

36. Police Daroghas are to observe the rules of Section 4, in charges preferred to them against such officers. *Beng.* 1798 *R.* 4. § 6.

37. Judges and Magistrates may, when necessary, summon such officers in the usual mode, either as parties or witnesses; recording their reasons and specifying the special order in the summons: but are not to use this power unnecessarily. *Beng.* 1798 *R* 4. § 8.

38. Daroghas of salt Chokees are to furnish two sureties in the sum of 1000 Rupees each. *Beng.* 1801 *R.* 6. § 27. A. D. 1801

39. And the security is to be forfeited on conviction of connivance at smuggling. *Beng.* 1801 *R.* 6. § 28.

40. If convicted of receiving gratuities, they shall forfeit four times the amount, and be imprisoned not more than twelve months. *Beng.* 1801 *R.* 6. § 31. *C.* 1.

41. The head ministerial officer of a salt Agent shall not be removed without the sanction of the Governor General in Council. *Beng.* 1804 *R.* 5. § 4. A. D. 1804

42. Nor native officers receiving a monthly salary of ten Rupees or upwards, without the sanction of the Board of Trade. *Beng.* 1804 *R.* 5. § 15.

43. Salt Agents shall receive in open Cuchery, and transmit to the Board, the resignation of a head officer. *Beng.* 1804 *R.* 5. § 5.

44. And the proceedings on any charge against him, after communicating the charge to him and calling on him for his answer. *Beng.* 1804 *R.* 5. § 6.

45. And report of actual vacancy by death or otherwise. *Beng.* 1804 *R.* 5. § 7.

46. With recommendation of a successor, reporting fully all information of his past employment, character and qualifications. *Beng.* 1804 *R.* 5. § 9.

47. And may suspend him in case of gross misconduct, appointing a person pro tempore. *Beng.* 1804 *R.* 5. § 6.

48. Also resignations of officers receiving a monthly salary of ten Rupees or upwards, and charges similarly proceeded on, and report of actual vacancy. *Beng.* 1804 *R.* 5. § 16.

49. With recommendation of a successor as above. *Beng.* 1804 *R.* 5. § 18.

50. And may similarly suspend them and appoint a person pro tempore; reporting such suspensions and appointments to the Board. *Beng.* 1804 *R.* 5. § 17.

51.

A. D. 1804 51. Salt Agents may appoint and remove native officers, whose salary does not amount to ten Rupees; recording the reasons, and exercising this power with due regard to the public service. *Beng.* 1804 *R.* 5. § 14.

52. But the Naibs, Mirdas, Peons, Jamadars, Burkundazes, &c. in the Salt Department, are to be appointed and removed as in the Courts of Judicature. *Beng.* 1804 *R.* 5. § 13.

53. Lists of establishments are to be sent to the Board of Trade; and, in case of any office being now vacant, which it may be requisite to fill, nominations shall be made according to Sections 9 & 10. *Beng.* 1804 *R.* 5. § 20.

54. The names of all officers receiving a monthly salary of ten Rupees and upwards, shall be inserted in the statements accompanying accounts transmitted to the Accountant and Civil Auditor. *Beng.* 1804 *R.* 5. § 21.

55. Salt Agents are prohibited from making any alteration in the distribution of salaries, or in the number and designation of their native officers. *Beng.* 1804 *R.* 5. § 23.

A. D. 1806 56. Whenever a complaint may be instituted against a salt Agent for any act, except corruption &c. the Judge shall, previously to calling upon the officer for his answer, transmit a copy and translation of the complaint to the Governor General in Council. *Beng.* 1806 *R.* 8. § 2.

57. The Governor General in Council, after inquiring into the case through the Board of Trade or in any other mode, will determine whether it shall be considered as a public or private suit; and the Court, on the receipt of his determination, shall proceed to try it, according to the rules for public or private suits respectively. *Beng.* 1806 *R.* 8. § 3.

58. Whenever a charge of corruption against a Salt Agent is preferred to a Provincial, Zilla or City Court, or the Sudder Dewannee Adaulut, the Court shall transmit a copy and translation to the Governor General in Council. *Beng.* 1806 *R.* 8. § 4.

59. On receipt of such charge, or of any information communicated directly to the Governor General in Council, or through the Board of Trade or any other official channel, he will, after making necessary inquiries by reference to the Board, or to any local authority, or by calling on the accused for his defence, determine whether there be grounds for a formal inquiry. *Beng.* 1806 *R.* 8. § 5.

60. If a special inquiry appear necessary, the Governor General in Council will appoint

appoint a Commissioner or Commissioners for the purpose. *Beng. Reg. Ced. Prov.* [illegible] 1806 *R.* 8. § 6.

61. On the appointment of such Commissioner, the officer shall be suspended from office and salary; but, if he be acquitted, the Governor General in Council will order payment from the date of his suspension. *Beng.* 1806 *R.* 8. § 9.

II. *RULES FOR THE MANUFACTURERS.*

1. Every rule or order, passed by the Governor General in Council, regarding the manufacture of salt, shall be formed into a Regulation, printed and published. *Beng.* 1793 *R.* 41. § 2. ext. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1. § 2. A. D. 1793.

2. The salt districts are to continue Khas, until Government shall think proper to pass a Regulation to the contrary. *Beng.* 1793 *R.* 8. § 100.

3. While the salt districts continue Khas, the tenants shall receive their Pottahs from the Collectors. *Beng.* 1793 *R.* 8. § 101.

4. No person shall be compelled to engage in the provision of salt; and all persons engaged may relinquish the employment after completing their engagements. *Beng.* 1793 *R.* 29. § 3.

5. Compulsory engagements shall be cancelled by the Civil Courts on proof of the compulsion; and damages shall be awarded against the Agent if guilty, who may also be dismissed from his office by Government. *Beng.* 1793 *R.* 29. § 4.

6. Assistants and head officers of Arungs, proved guilty of compulsion before the Agent or before a Court, shall be dismissed and cast in damages. *Beng.* 1793 *R.* 29. § 5. *C.* 1.

7. And shall be held responsible for their subordinate officers, unless the compulsion be without their knowledge. *Beng.* 1793 *R.* 29 § 5 *C.* 2.

8. Also Beoparies and Contractors, &c. on conviction before the Agent or the Court, or before an Assistant or head officer empowered to redress complaints. *Beng.* 1793 *R.* 29. § 6.

9. And subordinate officers under an Assistant or head officer, for compulsion used without the knowledge of the superior. *Beng.* 1793 *R.* 29. § 5. *C.* 2.

10. Contracts for salt shall be in writing, with security where practicable. *Beng.* 1793 *R.* 29. § 7.

11. Advances shall be paid in money counted to the Contractor. *Beng.* 1793 *R.* 29. § 8.

12. Laborers shall be obtained without the use of Peons, &c. whether by the Contractor or the Agent. *Beng.* 1793 *R.* 29. § 9.

13. And shall not be considered engaged till they have received their advances in money. *Beng.* 1793 *R.* 29. § 10.

14. But shall not be released from their engagements by the Courts or Agent, except on satisfactory proof of compulsion; nor, if they have given receipts for advances, shall they be prevented going to, or be brought away from, the place of manufacture, until a decision. *Beng.* 1793 *R.* 29. § 11.

15. Agents, where practicable, shall make the contracts with the actual manufacturers. *Beng.* 1793 *R.* 29. § 13.

16. Overseers, &c. receiving perquisites from Molungees, shall, on conviction, be dismissed and adjudged to pay four times the amount. *Beng.* 1793 *R.* 29. § 12.

17. Agents shall depute persons to inquire into and report complaints, which the Agents shall redress. *Beng* 1793 *R.* 29. § 14.

18. Molungees, who rent land, are to pay their rents like other Rayats. *Beng.* 1793 *R.* 29. § 18.

19. But from Katic to Asarh, they are not to be summoned by the landholders, &c. who must apply to the Agent; and, on his not affording satisfaction for the claim, may either distrain or sue in the Adaulut: if the Agent think proper, he may satisfy the demand, and stop it out of the future advances. *Beng.* 1793 *R.* 29. § 19. *C.* 2.

Modified 1799 R. 7 § 4

20. When the property of Molungees is distrained for rent, the distrainer shall in three days send notice to the salt Agent or nearest salt Chokee, that the Agent may satisfy the demand, or cause other steps to be taken. *Beng.* 1793 *R.* 17. § 31.

21. The salt advances and implements shall not be distrained. *Beng.* 1793 *R.* 29. § 19. *C.* 2.

22. Persons, suing Molungees in a Civil Court, shall specify their being such; and the Court shall send the summons to be served through the Agent, who shall order security to be given for the defendant or deliver him to the Peon. *Beng.* 1793 *R.* 29. § 20. *C.* 1.

23. Returning on the summons the mode of its execution. *Beng.* 1793 *R.* 29. § 20. *C.* 5.

24. If from want of such specification, a summons be sent through a Peon, he shall, on discovering the defendant to be a Molungee, carry the summons, and if he doubt the information, the defendant also, to the nearest salt officer for security. *Beng.* 1793 *R.* 29. § 20. *C.* 3.

25. Salt Agents shall authorize their Assistants, head officers, and a Vakeel at each Court, to execute such securities, and transmit a list of them to the Judge. *Beng.* 1793 *R.* 29. § 20. *C.* 2.

26. Similar rules are to be observed by the Magistrates on complaints for bailable offences. *Beng.* 1793 *R.* 29. § 20. *C.* 4.

27. And by Judges, when Molungees are required as witnesses. *Beng.* 1793 *R.* 29. § 20. *C.* 9.

28. But Magistrates, in case of an offence not bailable, may order the warrant to be executed in the usual mode. *Beng.* 1793 *R.* 29. § 20. *C.* 6.

29. And Judges and Magistrates, in any case where it shall appear indispensable, may apprehend and summon Molungees in the usual manner; recording the reasons for the deviation, and refraining from an unnecessary use of this power. *Beng.* 1793 *R.* 29. § 20. *C.* 10.

30. Police Daroghas are to observe the rules of Clauses 4 and 6, in charges against Molungees. *Beng.* 1793 *R.* 29. § 20. *C.* 7.

31. Salt Agents shall be answerable for the conditions of the security, if the party or surety fail. *Beng.* 1793 *R.* 29. § 20. *C.* 8.

32. And are liable to be sued in Civil Courts, if they apply these rules to persons not bonâ fide in the salt employment. *Beng.* 1793 *R.* 29. § 20. *C.* 10.

33. Decrees against persons engaged in the salt manufacture may be executed on their property; but not on their persons, except from Sawun to Asin: the salt implements and advances are not liable for the decree. *Beng.* 1793 *R.* 29. § 21.

34. Officers of Government, landholders &c. may be sued for damages, if they obstruct the manufacture. *Beng.* 1793 *R.* 29. § 16.

35. They shall not behave with disrespect to the Agents, and shall afford every assistance towards promoting the manufacture. *Beng.* 1793 *R.* 29. § 17.

36. All engagements for the provision of salt are to be made in Sicca Rupees of the nineteen Sun. *Beng.* 1793 *R.* 35. § 21.

37. The notice, required by Section 31, Regulation 17 of 1793, of distress for rent on the property of salt workers &c. shall be given as soon as possible after the attachment; and the property shall not be sold till sufficient time have been allowed for the Company's officers to satisfy the demand: the notice may be given either to the Agent, or at the Arung to which the defaulter belongs. *Beng.* 1799 *R.* 7. § 4. A. D. 1799

38.

A. D. 1800 38. Contracts for the manufacture of ſalt are not to be on ſtampt paper nor copies thereof. *Beng.* 1800 *R.* 7. § 5. *C.* 4.

A. D. 1801 39. The ſummary proceſs, under Section 15, Regulation 7 of 1799, for the recovery of rent, ſhall not be applied to ſalt workers from the beginning of Katic to the end of Aſarh; landholders muſt proceed againſt them by diſtreſs, or by Sections 19, 20 and 21, Regulation 29 of 1793. *Beng.* 1801 *R.* 9. § 2.

40. Warrants of Magiſtrates for reſiſtance of proceſs are to be ſerved on ſalt workers in the manufacturing ſeaſon, in the mode directed by Clauſe 4, Section 20, Regulation 29 of 1793. *Beng.* 1801 *R.* 9. § 4.

III. *RESTRICTIONS ON THE TRADE IN SALT.*

1. Rules since Rescinded.

A. D. 1793 1. Salt made in Bengal, Behar and Oriſſa, except for Government, is liable to confiſcation. *Beng.* 1793 *R.* 30. § 2.

2. Foreign ſalt imported into Bengal or Behar. *Beng.* 1793 *R.* 30. § 3.

3. Muſcat ſalt in greater proportion than 200 Maunds, in Bombay ſhips, and 500 Maunds in Muſcat ſhips. *Beng.* 1793 *R.* 30. § 4. *C.* 4. R. 42. § 34. *C.* 3.

4. Salt tranſported in the provinces without a Ruwana. *Beng.* 1793 *R.* 30. § 8. *C.* 1.

5. Or more than the Ruwana mentions. *Beng.* 1793 *R.* 30. § 8. *C.* 2.

6. With the boats, cattle, and carriages, on which it may be laden. *Beng.* 1793 *R.* 30. § 9.

7. Landholders &c. are to give information of the illegal manufacture or importation of ſalt in their eſtates, under a penalty of twenty-five per cent on the value of the ſalt ſo made or imported. *Beng.* 1793 *R.* 30. § 7.

8. Informers are to receive twenty-five per cent reward on the proceeds of ſalt confiſcated for being illegally imported. *Beng.* 1793 *R.* 30. § 3.

9. Or illegally tranſported. *Beng.* 1793 *R.* 30. § 8. *C.* 3.

10. And of the boats &c. uſed in the tranſportation. *Beng.* 1793 *R.* 30. § 9.

11. And a reward of fifteen per cent on Muſcat ſalt confiſcated. *Beng.* 1793 *R.* 42 § 34. *C.* 3.

12. Salt Agents &c. on receiving information of ſmuggled ſalt, may attach the ſame without notice to the Judge or Magiſtrate, or may apply to the Magiſtrate or Police Daroghas, who ſhall aſſiſt on requiſition. *Beng.* 1793 *R.* 30. § 5. *C.* 1.

13. Officers under Salt Agents, omitting or delaying to report seizures made by them, shall be liable to damages and dismission on suit in the Civil Courts. *Beng.* 1793 *R.* 30. § 5. *C.* 2.

14. They shall not release seizures without the orders of the Salt Agent or Board; but Agents may order the release of seizures, reporting such release to the Board. *Beng.* 1793 *R.* 30. § 5. *C.* 3.

15. Agents or officers of the Board, making seizures, shall report them to the Board. *Beng.* 1793 *R.* 3. § 6.

16. If the Board of Trade determine, that the seized salt is not liable to confiscation, it shall be released; and the officer, who seized it, shall be liable to a suit for damages, to be defended at his own risk: but the Board, if they deem it proper, may order the suit to be defended on the part of Government, or may adjust the matter with the proprietor reporting it to Government, or may order the officer to be indemnified. *Beng.* 1793 *R.* 30. § 10.

17. If the Board shall confiscate the salt, it shall be sold; and any person, dissatisfied with the decision, may prosecute Government in the mode prescribed by Section 11, Regulation 3 of 1793. *Beng.* 1793 *R.* 30. § 11.

18. Informers of the illegal importation, manufacture, sale or transportation of salt, shall receive a reward of twenty-five per cent, if the salt be attached in consequence of their information. *Beng.* 1795 *R.* 40. § 2. A. D. 1796

19. And informers of the illicit importation of Muscat salt. *Beng.* 1795 *R.* 40. § 8.

20. Native officers, who made the seizure on such information, shall receive the same reward; but the Board of Trade may distribute the reward among more than one officer according to their several merits. *Beng.* 1795 *R.* 40. § 2.

21. Fifty per cent reward shall be paid to officers who make a seizure without an informer; and a similar discretion is vested in the Board. *Beng.* 1795 *R.* 40. § 3.

22. Officers, seizing Muscat salt, shall receive a reward of twenty-five or fifty per cent, according as they acted with or without information, subject to a similar discretion in the Board. *Beng.* 1795 *R.* 40. § 8.

23. The reward of twenty-five per cent on the confiscation of Bengal salt is to be calculated on the medium price of the last sales of salt of the district where the seizure may be made. *Beng.* 1795 *R.* 40. § 3.

24. Of foreign salt, on the price at which similar salt shall have sold at the last sales. *Beng.* 1795 *R.* 40. § 5.

A. D. 1795 25. And of Muſcat ſalt. *Beng.* 1795 *R.* 40. § 8.

26. Rewards ſhall be paid immediately after final judgment of confiſcation. *Beng.* 1795 *R.* 40. § 4.

A. D. 1797 27. Ruwanas for the tranſportation of ſalt need not be ſtampt. *Beng.* 1797 *R.* 6. § 24. *C.* 1.

A. D. 1801 28. Regulations 30 of 1793, and 40 of 1795, reſpecting the importation of ſalt, are reſcinded. *Beng.* 1801 *R.* 6. § 2.

2. Rules now in Force in Bengal &c.

A. D. 1801 Modified Ben. 1804 R. 6 § 18 1. Salt made without the limits of Behar, Bengal, Benares and Oriſſa, ſhall not be imported into the provinces except for Government, or with leave of Government, under penalty of confiſcation. *Beng. Ben.* 1801 *R.* 6. § 3.

ditto 2. Kaſia and other ſalt, permitted in Benares, ſhall be confiſcated if imported into Behar &c. *Beng. Ben* 1801 *R.* 6 § 4. *C.* 6.

ditto 3. No ſalt ſhall be made in the provinces except for Government, under ſimilar penalty. *Beng. Ben.* 1801 *R.* 6 § 6.

ditto 4. Salt is alſo liable to confiſcation, if tranſported without a Ruwana or Chorchittee. *Beng. Ben.* 1801 *R* 6. § 8. *C.* 1.

ditto 5. Or without producing the proper Ruwana. *Beng. Ben.* 1801 *R.* 6. § 9. *C.* 2.

ditto 6. Or in greater quantity than the Ruwana or Chorchittee ſpecify. *Beng. Ben.* 1801 *R.* 6. § 9. *C.* 1.

ditto 7. Or not proceeding on the regular route to the place mentioned in the Ruwana. *Beng Ben.* 1801 *R.* 6. § 25. *C.* 2.

ditto 8. Boats, carriages and cattle, uſed for tranſporting ſalt contrary to this Regulation, ſhall be confiſcated. *Beng. Ben.* 1801 *R.* 6. § 10.

ditto 9. Ships, importing ſalt illegally, ſhall be ſeized and not reſtored till payment of ten Rupees per Maund penalty on the ſalt ſo imported; if the penalty be not paid in four months, the ſhip will be confiſcated and ſold. *Beng. Ben.* 1801 *R.* 6. § 5. *C.* 2.

ditto 10. Perſons, incurring confiſcations, ſhall alſo forfeit 500 Rupees per hundred Maunds on the quantity of ſalt confiſcated. *Beng. Ben.* 1801 *R.* 6. § 26.

ditto 11. Perſons, engaging in any fraudulent dealing with reſpect to Ruwanas and Chorchittees, are to forfeit 250 Rupees per hundred Maunds. *Beng. Ben.* 1801 *R.* 6. § 24.

ditto 12. Perſons, buying ſalt from Molungees, are to forfeit five Rupees per Maund beſides confiſcation. *Beng. Ben.* 1801 *R.* 6. § 29.

13. And all officers, thus offending, are further to be imprisoned not more than twelve months. *Beng. Ben.* 1801 *R.* 6. § 30.

14. A penalty of 5000 Rupees for all private salt works proved in a Dewanee Adaulut, is imposed on proprietors of Malguzaree estates in charge of their estates, and recoverable by sale of the village wherein the works are situated, and of all other property real and personal, and by confinement of the person if necessary. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 1. ditto

15. Or not in charge, if they knew of the works and did not give information. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 2. ditto

16. And on proprietors of rent-free estates. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 3. ditto

17. On farmers of lands, recoverable by the process for executing decrees. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 2. ditto

18. And on managers of estates under the Court of Wards. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 4. ditto

19. But such decrees shall first be reported to Government. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 6. ditto

20. Ruwanas are to be granted by the Secretary of the Board of Trade, specifying the quantity, the place whence and whither the salt is going, and the mode of conveyance; they are current for a year: Chorchittees are to be granted by the salt Chokees for parts of a Ruwana not less than 100 Maunds, are to be current six months, and shall specify the place whither the salt is going. *Beng. Ben.* 1801 *R.* 6. § 8. *C.* 2. ditto

21. One half of the penalty on illegal salt works is to be paid to the informer, and the other half to the officers transmitting the information. *Beng. Ben.* 1801 *R.* 6. § 7. *C.* 5. ditto

22. One half of the penalty on the illegal purchase of salt from the manufacturers. *Beng. Ben.* 1801 *R.* 6. § 30. ditto

23. One quarter of confiscation of salt is to be paid to the informer, on an estimate, or at the price of the last sales. *Beng. Ben.* 1801 *R.* 6. § 19. ditto

24. One quarter to salt officers making the seizure, in such proportions as the Board may deem the several officers entitled to. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 4. ditto

25. To native officers under the Commercial Agents, Collectors &c. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 7. ditto

26. And to the inferior salt officers. *Beng. Ben.* 1801 *R.* 6. § 13. ditto

27.

27. Or thirty five per cent to the officers, when there shall have been no information, in such proportions as the Board of Trade may deem the several officers entitled to. *Beng Ben.* 1801 *R.* 6. § 14.

ditto 28. Salt Agents and Superintendents of Chokees are to have thirty five per cent on Salt seized and confiscated through them. *Beng. Ben.* 1801 *R.* 6 § 15.

ditto 29. Collectors of revenue or customs, and Commercial Agents, in charge of Chokees, are to have the same reward with Salt Agents. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 8.

ditto 30. When no such salt shall have been sold, the reward shall be estimated by the Board. *Beng. Ben.* 1801 *R.* 6 § 23.

ditto 31. Rewards are payable in such mode as the Board may order, immediately after confiscation. *Beng. Ben.* 1801 *R.* 6. § 20.

ditto 32. Fines imposed on Chokee officers are to be at the disposal of the Board. *Beng. Ben.* 1801 *R.* 6 § 31. *C.* 2.

ditto 33. Chokee officers are to ascertain whether the quantity of a salt dispatch corresponds with the Ruwana or Chorchittee, and shall certify it on the back if correspondent with the date of arrival and departure. *Beng. Ben.* 1801 *R.* 6 § 8 *C.* 3.

ditto 34 The Ruwanas are to be endorsed by the officer of every Chokee which the salt shall pass. *Beng. Ben.* 1801 *R.* 6 § 8 *C.* 2

ditto 35. They are to send immediate notice of seizure to their superiors, under penalty of dismission and damages where the salt is not confiscated, and forfeiture of reward if confiscated. *Beng. Ben* 1801 *R.* 6. § 16.

ditto 36. And if they release any seized salt without orders, shall be dismissed and forfeit 250 Rupees per 100 Maunds. *Beng. Ben.* 1801 *R.* 6. § 17.

ditto 37 Similar penalty shall be incurred by them for connivance at smuggling. *Beng. Ben.* 1801 *R.* 6 § 28.

ditto 38. Daroghas, absent without leave, are liable to the same penalties for the acts of their substitutes. *Beng. Ben.* 1801 *R* 6. § 28.

ditto 39 The Mohurir of the Chokee shall be fined 8 Annas per Maund on all smuggled salt proved against the Darogha, unless absent with leave. *Beng. Ben.* 1801 *R.* 6. § 31. *C.* 3.

ditto 40. Chokee officers, taking gratuities, are to be fined four times the amount, and imprisoned not more than twelve months. *Beng. Ben.* 1801 *R.* 6. § 31. *C.* 1.

ditto 41. Police officers are to comply with all requisitions of Salt Agents, Superintendents of Chokees, salt officers, Commercial Agents, and Collectors of Revenue or Customs, for the seizure of salt. *Beng. Ben.* 1801 *R.* 6. § 11 *C.* 2.

42. Police officers shall send notice to the nearest salt officers, and to the Magistrates, of all illicit manufacture or transportation of salt, and of illegal salt works; but shall not detain any salt under penalty of dismission and damages, except salt not accompanied by a Ruwana, when they shall send immediate notice to the nearest salt officer and to the Magistrate. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 3.

43. Police officers are allowed twenty-five per cent on the value of all salt confiscated through their information. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 4. ditto

44. Officers under Collectors of Revenue or Customs, and under Commercial Agents, are to act in the same mode, under the same penalty, and with the same reward. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 7. ditto

45. The Board shall state to Government what Police officers ought to have power to seize salt without application from salt officers; and such only may make seizures. *Beng. Ben.* 1801 *R.* 12. § 2. ditto

46. Salt officers may seize salt without notice to the Judge or Magistrate, or may apply to the Magistrates or the Police officers. *Beng. Ben.* 1801 *R.* 6. § 12. ditto

47. And shall report the seizures to the Board. *Beng. Ben.* 1801 *R.* 6. § 17. ditto

48. Magistrates may direct the seizure of illicit salt, if they apprehend its removal before the salt officers can seize it, sending a report of the case to the Board of Trade. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 5. ditto

49. And shall also report to the Board all information received from Police officers. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 6. ditto

50. Collectors of Revenue or Customs, and Commercial Agents, shall possess the same powers. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 7. ditto

51. All Magistrates, &c. may assist in seizures of salt on application from salt officers; but such only may seize salt without application, as shall be specially empowered by Government; to whom the Board of Trade shall state what Magistrates &c. should be so empowered. *Beng. Ben.* 1801 *R.* 12. § 2. ditto

52. The Board may, with the sanction of Government, commit the Chokees to Collectors of Customs and Commercial Agents, with full authority over all Chokee officers. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 8. ditto

53. Who shall in such case, (as also civil servants appointed Superintendents of Chokees,) take an oath before the Governor General in Council. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 9. ditto

54. Salt seized by Magistrates &c. is to be delivered to salt officers, or such person as the Board may direct. *Beng. Ben.* 1801 *R.* 6. § 11. *C.* 10. ditto

55. But Magistrates &c. may release such salt, if they deem it not liable to confiscation, reporting the case to the Board. *Beng. Ben.* 1801 *R.* 6. § 18.

ditto 56. Salt Agents and Superintendents of Chokees may similarly release salt seized by their officers or delivered to them by Magistrates &c. *Beng. Ben.* 1801 *R.* 6. § 17

ditto 57. The Board shall without delay inquire into all reported seizures: if the Board release the salt, the officer seizing it (except Magistrates) may be sued for damages, and shall defend the suit at his own risk; unless the Board should think proper to defend the suit on the part of Government, or to indemnify the officer, or should compensate the owner, reporting it to Government. *Beng. Ben.* 1801 *R.* 6. § 21.

ditto 58. If the Board condemn the salt, they shall order it to be sold with the cattle, carriages &c. and the owner may sue Government under Section 11, Regulation 3 of 1793. *Beng. Ben.* 1801 *R.* 6. § 22.

ditto 59. Which mode of redress is open to all persons thinking themselves aggrieved by any act in relation to salt. *Beng. Ben.* 1801 *R.* 6. § 33.

ditto 60. All boats, used for transporting salt from the Company's Golas, shall be registered by the salt Agent for the division where the salt is to be delivered. *Beng. Ben.* 1801 *R.* 6. § 25. *C.* 1.

ditto 61. All fines, imposed by this Regulation, are to be sued for in the Dewannee Adaulut under orders of the Board of Trade, and are to be heard in preference to other suits. *Beng. Ben* 1801 *R.* 6. § 32.

ditto 62. All confiscations are to be adjudged by the Board of Trade, and all rewards paid as the Board may direct. *Beng. Ben.* 1801 *R.* 6. § 20.

A. D. 1804 63. The restrictions on the manufacture, transportation and sale of salt, in Regulation 6 of 1801, are not to be applied to salt manufactured in the province of Benares. *Ben.* 1804 *R.* 6. § 18.

A. D. 1806 64. No salt shall be transported by land or water without a Chelan, in addition to the Ruwana or Chorchittee. *Beng.* 1806 *R.* 9. § 2. *C.* 1.

65. Every boat, vessel, or division of bullocks, shall be furnished with a Chelan by the officer in charge of the Gola whence the salt shall be cleared. *Beng.* 1806 *R.* 9. § 2. *C.* 2.

66. The Chelans, where practicable, shall be signed by the European officer or head native officer of the Gola; and shall contain the quantity, the date of the sale, the number of the lot, the names of the original purchaser, and of the present proprietor of the salt, of the Gomashta to whom deliverable, of the proprietor and of the Manjhee or

Sirdar

Sirdar of the boat or bullocks, the number and total quantity of the original Ruwana, the description, burthen, and number of oars of the boat, or vessel, the number of bullocks, and the place of destination. *Beng.* 1806 *R.* 9. § 2. *C.* 3.

67. The proprietor or person, receiving the salt, shall certify on the Chelan, that it is correct. *Beng.* 1806 *R.* 9. § 2. *C.* 4.

68. The Chelan must be kept on board of the boat, or with the bullocks, and produced at a moment's warning to any officers authorized to attach illicit salt; and the salt shall be liable to confiscation, if the Chelan be not produced instantly, or the Ruwana be not produced in 24 hours, or the Chelan be not found to correspond in every particular with the salt and with the Ruwana. *Beng.* 1806 *R.* 9. § 3.

69. The Darogha or Mohurur of a salt Chokee shall examine personally the salt and Chelan on board of every boat coming to his station, and shall not require the Chelan to be removed from on board; and, if the salt correspond with the Chelan, shall certify the same on the Chelan, with the date. *Beng.* 1806 *R.* 9. § 4. *C.* 2.

70. Any fraudulent dealings with respect to Chelans, shall be punished under Section 29, Regulation 6 of 1801, as fraudulent dealings with respect to Ruwanas. *Beng.* 1806 *R.* 9. § 5.

3. Muscat and other Foreign Salt.

1. Importation of foreign salt into Bengal is prohibited under penalty of confiscation with twenty-five per cent reward to informers. *Beng.* 1793 *R.* 30. § 3. — A. D. 1793 Re-enacted 1801 R. 6 § 3

2. Muscat salt may be brought on ships importing into Calcutta from Muscat and Bombay, under the following rules and restrictions. *Beng.* 1793 *R.* 42. § 34. *C.* 1. *R.* 30. § 4. *C.* 1. — Re-enacted 1795 R. 40 § 7

3. No greater quantity of Muscat salt, than 200 Maunds, shall be imported in a ship from Bombay, or than 500 Maunds in a ship from Muscat. *Beng.* 1793 *R.* 42. § 34. *C.* 2. *R.* 30. § 4. *C.* 2. — ditto

4. Such salt is to have a certificate from the Bombay or Muscat Custom-house, that it is the produce of Muscat. *Beng.* 1793 *R.* 42. § 34. *C.* 1. *R.* 30. § 4. *C.* 3. — ditto

5. All attempts to import greater quantities, or without such certificate, shall be punished by confiscation. *Beng.* 1793 *R.* 42. § 34. *C.* 3. *R.* 30. § 4. *C.* 4. — ditto

6. With a reward of fifeen per cent to informers. *Beng.* 1793 *R.* 42. § 34. *C.* 3. — ditto

7. The salt is to be landed at the Company's Salt Golas, and detained until a certificate be produced from the Custom-house, of the duties having been paid. *Beng.* 1793 *R.* 42. § 35. — ditto

8.

A. D. 1795 Re-enacted 1801 R. 6 § 4. 8. The privilege of importing Muſcat ſalt in ſhips from Bombay is diſcontinued. *Beng.* 1795 *R.* 40. § 7. *C.* 1.

ditto 9. Muſcat ſalt ſhall not be imported into Bengal except in a ſhip from Muſcat, with certificate from the Muſcat Cuſtom-houſe that it is the produce of that place. *Beng.* 1795 *R.* 40. § 7. *C.* 2.

ditto 10. No greater quantity ſhall be imported than 500 Maunds in one ſhip. *Beng.* 1795 *R.* 40. § 7. *C.* 3.

ditto 11. Any attempt at importation contrary to theſe rules will incur confiſcation; and fifty per cent reward ſhall be paid, half to the informer and half to the Officers of Government, or wholly to the latter if they acted without an informer. *Beng.* 1795 *R.* 40. § 8.

ditto 12. Such ſalt is to be landed at the Company's ſalt Golas, and taken on the Company's account at 200 Rupees per 100 Maund, and no duty is to be levied on it. *Beng.* 1795 *R.* 40. § 9.

13. Salt may be imported into Calcutta with licenſe, on ſhips built or fitted out in the provinces of Bengal &c. and belonging to Europeans or natives reſiding in thoſe provinces. *Beng.* 1795 *R.* 52. § 2.

14. Parties muſt apply for licenſe to the Board of Trade, ſtating the ſhip's name and all particulars. *Beng.* 1795 *R.* 52. § 3.

15. A fee of ſixteen Rupees is to be paid for each licenſe. *Beng.* 1795 *R.* 52. § 13.

16. The ſhip's name in Engliſh and Bengaleſe is to be painted on the ſtern, and not obliterated under penalty of 100 Rupees; nor ſhall a port clearance be given till payment. *Beng.* 1795 *R.* 52. § 4.

17. The name ſhall not be changed without leave of the Board of Trade, under pain of forfeiting the licenſe. *Beng.* 1795 *R.* 52. § 5.

18. The ſalt is to be delivered at ſuch place as the Board of Trade ſhall direct, and paid for at the rate of fifty-ſeven Rupees per 100 Maunds on ſurrender of the licenſe; on failure of which the ſalt ſhall not be paid for. *Beng.* 1795 *R.* 52. § 6.

19. If the ſalt be not of good quality, the importer ſhall pay the difference between what it may ſell at, and what good ſalt ſhall ſell for at the ſame ſale. *Beng.* 1795 *R.* 52. § 7.

20. The quality of ſalt may, if diſputed, be aſcertained by arbitration, or by an analyſis of a ſmall quantity. *Beng.* 1795 *R.* 52. § 8.

21. Five Maunds of the quantity imported may be retained in each ſhip, if bonâ fide

for

for the use of the mariners: all salt beyond that quantity shall be confiscated with penalty of ten Rupees per Maund. *Beng.* 1795 *R.* 52. § 9.

22. The Company's officers shall have free access to search the ship after the discharge of the cargo. *Beng.* 1795 *R.* 52. § 10.

23. The license is to be kept on board of the ship for production to the pilot and Salt officers on the ship's return. *Beng.* 1795 *R.* 52. § 11.

24. A report is to be given to the pilot of the salt on board. *Beng.* 1795 *R.* 52. § 14.

25. Or of none being on board. *Beng.* 1795 *R.* 52 § 15.

26. Under penalty of 100 Rupees for refusal: and a port clearance shall not be granted till payment. *Beng.* 1793 *R.* 52. § 17.

27. The Pilot shall forward the report by the first opportunity, under penalty of five Rupees; and shall receive a reward of five Rupees for forwarding it, if there be salt on board. *Beng.* 1795 *R.* 52. § 16.

28. If the ship should return without salt, the license is to be returned to the Salt Office. *Beng.* 1795 *R.* 52 § 11.

29. If the Master report that no salt is on board, and salt shall be found, or be proved to have been on board; or if he report less than the quantity, the salt on board shall be confiscated with a penalty of ten Rupees per Maund, whether the salt be found, or be proved to have been run or thrown overboard; and a port clearance shall not be given until this penalty shall have been paid. *Beng.* 1795 *R.* 52. § 18.

30. Europeans, proved, to the satisfaction of Government, to have been concerned in the illicit importation of salt, shall, besides the penalties, forfeit the Company's protection and be sent to Europe. *Beng.* 1795 *R.* 52. § 19.

31. If a ship be kept out longer than the period limited for the voyage, the Board of Trade, on satisfactory reasons for her detention, may allow a reasonable extension of time. 1795 *R.* 52. § 12.

32. The prohibition against importing Muscat salt in Bombay ships is continued. *Beng.* 1801 *R.* 6. § 4. *C.* 1. A. D. 18

33. Muscat salt shall not be imported, except in ships from Muscat, with certificate of the Muscat Custom-house. *Beng.* 1801 *R.* 6. § 4. *C.* 2.

34. Nor more than 500 Maunds in each ship. *Beng.* 1801 *R.* 6. § 4. *C.* 3.

35. Under penalty of confiscation of the whole, with a reward of twenty-five per cent to informers and twenty-five per cent to officers; or thirty-five per cent to officers, when there shall have been no informer. *Beng.* 1801 *R.* 6. § 4. *C.* 4.

36. Silch salt is to be landed at the Company's Golas, and paid for by Government at 200 Rupees per 100 Maunds: no duty shall be levied on such salt. *Beng.* 1801 *R.* 6. § 4. *C.* 5.

37. Foreign salt, attempted to be imported without a license, shall be confiscated. *Beng.* 1801 *R.* 6. § 3.

Rescinded 1804 R. 6 § 17

38. Salt, denominated Kalia, Kur, Neela, Nama, Geolea, Paut, Sochur, and Lahoree, may be imported into Benares at a duty of 1 Rupee per Maund: Salumbha and Balumbha at 2¼ Rupees; but shall be confiscated if brought from Benares into Behar &c. *Ben.* 1801 *R.* 6. § 4. *C.* 6.

39. Ships, and other vessels, importing salt into Bengal, without a license, are liable to confiscation, as well as the salt so imported, and will be sold for the benefit of the Company, unless redeemed within four months, by the payment of ten Rupees per Maund penalty on the salt imported. *Beng.* 1801 *R.* 6. § 5. *C.* 2.

A. D. 1804

40. Salt may be imported into Benares from the Ceded and Conquered Provinces, on paying a duty of one Rupee per Maund; but shall be liable to confiscation if imported without payment of the duty. *Ben.* 1804 *R.* 6. § 8.

41 The duty on importation of Salumbha and Balumbha salt into Benares is fixed at one Rupee per Maund. *Ben.* 1804 *R.* 6. § 17.

4. Special Rules in the Ceded Provinces.

A. D 1803 Rescinded 1804 R. 6 § 2

1. Foreign salt shall not be imported into the provinces ceded by the Nuwab Vizier to the Company, except on account or with sanction of Government, under penalty of confiscation. 1803 *R.* 39. § 2.

ditto

2. And except salt from the province of Benares into the Zilla of Gorukpoor. 1803 *R.* 39. § 7.

ditto

3. Nor be manufactured there, except on account of Government, under the like penalty. 1803 *R.* 39. § 3.

ditto

4. The salt department in the Ceded Provinces shall be under the control of a Superintendent, subject to the authority of the Board of Trade. 1803 *R.* 39. § 4.

ditto

5. And the salt is to be provided by an Agent under the authority of the Superintendent and Board. 1803 *R.* 39. § 5.

ditto

6. And the salt Golas and Chokees are to be under the Commercial Residents, subject to the control of the Superintendent. 1803 *R.* 39. § 8.

ditto

7. All salt imported into the Ceded Provinces shall have a Ruwana sealed and signed by the Agent, specifying the quality and quantity, the person in charge, the place whence

[illegible] in the quality, or without a Ruwana, shall be confiscated. [illegible]

8. Commercial Residents, officers of salt Chokees, and [illegible] may attach salt on information, without application to the Magistrate, or may apply for assistance to the Magistrate and Police officers. 1803 *R.* 39. § 10.

9. Salt, when seized, shall be delivered over as soon as practicable to the salt officers, or to such persons as the Board of Trade may direct. 1803 *R.* 39. § 9.

10. The salt, manufactured in the Ceded Provinces, shall be provided by the Commercial Agents under the authority of the Superintendent and Board, by advances to the manufacturers. 1803 *R.* 39. § 17.

11. Subordinate salt officers are to receive 25 per cent on the value, as estimated by the Board of Trade, of salt seized under orders of their superiors, or upon information; and a discretion is vested in the Board to distribute the reward to two or more officers concerned, according to their merits. 1803 *R.* 39. § 11.

12. And 35 per cent, if they attach the salt exclusively, and without information. 1803 *R.* 39 § 12.

13. Commercial Agents, in charge of salt Chokees, are to receive 35 per cent on salt seized by their officers or orders. 1803 *R.* 39. § 13.

14. Informers are to receive 25 per cent. 1803 *R.* 39. § 14.

15. The Board of Trade is empowered to declare the confiscation of salt illegally manufactured, sold or imported, and to direct the payment of rewards. 1803 *R.* 39. § 15.

16. Fines are to be sued in the Zilla Court by order of the Board; and such suits shall be heard in preference to other suits. 1803 *R.* 39. § 16.

17. Persons, deeming themselves aggrieved under this Regulation, are to apply for redress under Section 15, Regulation 2 of 1803. 1803 *R.* 39. § 20.

18. Salt, manufactured or imported on account of Government, and confiscated salt, shall be sold by public auction, under the authority of the Superintendent and Board; notice being previously given of the place and times of sale, of the quantity and quality of the salt to be sold, and of all other necessary particulars. 1803 *R.* 39. § 18.

19. Persons, employed by any civil servants in the Ceded Provinces or by the Agent, are forbidden to purchase salt at such sales under pain of dismission from office, and forfeiture of the salt, on conviction in a Court of Justice; Europeans are similarly restricted, under pain of confiscation of the salt, and of being further dealt with, as Government shall judge proper. 1803 *R.* 39. § 19.

20.

[illegible] Regulation 39 of [illegible] rescinded. 1804 R. 6. § [illegible]

[illegible]. The exclusive privilege, reserved by Government, of importing and manufacturing salt in the Ceded and Conquered Provinces, is relinquished. 1804 R. 6. § 3.

22. But the salt, which has been provided for the Ceded Provinces, shall be sold in such manner as the Governor General in Council shall direct. 1804 R 6. § 11.

23. And the salt, stored in the Conquered Provinces, shall be sold on Maafee Ruwanas exempting it from duties on transportation through the Ceded and Conquered Provinces. 1804 R. 6. § 12.

24. After the 1st November 1804, foreign salt, and salt manufactured in the Conquered Provinces beyond the Jumna, may be imported into the Ceded Provinces and Dooab, subject to a duty which will be hereafter fixed. 1804 R. 6 § 4

25. And salt from Benares may be imported into the Ceded Provinces on payment of the same duty 1804 R. 6. § 9.

26. And into Zilla Gorukpoor free of duty 1804 R 6 § 10.

27 By all persons except Europeans, who are prohibited from trading in salt in the Ceded or Conquered Provinces, or in Benares, under pain of confiscation of the salt, and of being further dealt with as the Governor General in Council may judge proper. 1804 R. 6. § 5

28. But all salt imported from beyond the Jumna previous to the 1st November 1804 except for Government, and subsequent to that date without paying the duty and having a Ruwana, is liable to confiscation. 1804 R. 6. § 4

29. As also salt from Benares, imported, except into Gorukpoor, without paying the duty. 1804 R 6 § 9.

30. Salt which shall have paid the import duty, and salt manufactured in the Ceded Provinces and Dooab, may be exported duty free into the Vizier's dominions, the Rampoor Jageer in Rohilkhund, and the hills bordering on Rohilkhund and Gorukpoor 1804 R. 6 § 6.

31. But all salt from the Ceded or Conquered Provinces shall be subject to an export duty, which will be hereafter fixed, on exportation into any foreign state, under pain of confiscation 1804 R. 6 § 7.

32. As also the salt sold at the stores in the Conquered Provinces under Maafee Ruwanas. 1804 R. 6 § 10.

33. Salt, imported into Benares from the Ceded or Conquered Provinces, shall pay a duty of one Rupee per Maund under pain of confiscation. 1804 R. 6. § 8.

34. The duty on imported [illegible] ed at one Rupee per Maund. 1804 R. 6. § 17.

35. Salt, belonging to individuals, now deposited in the Conquered [illegible] the Dooab, may be transported free of duty through those and the Ceded Provinces. 1804 R. 6. § 13.

36. And no tax will be levied on the sale thereof, nor on the sale of any salt there, beyond the import duty. 1804 R 6. § 16.

37. The sale of salt in the Conquered Provinces beyond the Jumna, is to remain subject to the usages of the former Government. 1804 R. 6 § 16.

38. All salt, illegally imported before the promulgation of this Regulation, is liable to seizure and confiscation. 1804 R. 6. § 19.

39. The assessment of the Nimmuk Sayer Mehals in the Ceded and Conquered Provinces, shall, from the commencement of the ensuing Fussilee year, be added to the Jumma of the Zemindars or farmers, in whose estates they are situated; but, in case of their not acceding to this annexation, the Collector shall realize the revenues agreeably to the former usage of the country. 1804 R. 6. § 14.

40. The lands, pits, or lakes, from which salt is manufactured to a considerable extent, shall be let in farm by the Collectors from the same date, for a period not exceeding the term of the ensuing land settlement, and, when reasonable terms cannot be obtained, the Collector shall adopt measures for realizing the revenues on account of Government. 1804 R. 6 § 15.

41. The import duty on salt imported into the Ceded Provinces and the Dooab, is fixed at twelve Annas per Maund. 1804 R. 7 § 2.

42. And the export duty at four Annas per Maund. 1804 R 7 § 3.

43 The following rules are enacted for the import and export duty on salt in the Ceded and Conquered Provinces. 1804 R. 11. § 35. C 1.

44 Such part of Section 4, Regulation 6, and Section 2, Regulation 7 of 1804, as fixes the duty on salt imported, is rescinded. 1804 R. 11. § 35. C. 2.

45. Salt, imported into the Zillas on the right bank of the Jumna from any foreign country, or from the territory assigned to the King, is fixed at twelve Annas per Maund, and no further duty on the transport thereof. 1804 R. 11. § 35. C 3.

46 And produced in the Zillas on the right bank of the Jumna and in the territory assigned to the King, when imported into the Ceded Provinces and the Dooab. 1804 R. 11. § 35. C. 4.

A. D. 1804 47. Salt, attempted to pass [illegible] without a Rowana and payment of duties shall be confiscated. 1804 R. 11 § 35. C. 5.

48. All provisions of Regulations 6 and 7 of 1804, not hereby altered, shall remain in full force. 1804 R. 11 § 35. C. 6.

A. D. 1805 49. Salt is exempt from town duties and from all duties in Bazars and Haats. 1805 R. 6. §. 14.

IV. ADULTERATED SALT.

A. D. 1800 1 Salt adulterated by the admixture of Kharee Noon, or other substances, such as fossil or vegetable alkali, if found in any shop, Golah, &c shall be confiscated, with a penalty of ten Rupees per Maund on the seller *Beng Ben* 1800 R. 4. § 2.

2 Such salt may be seized by Police or salt officers, and shall be reported to the Judge, who is to decide summarily on the confiscation and levy the penalty. *Beng. Ben.* 1800 R. 4. § 3.

Modified 1803 R 4[2] § 3 3 Unless the party give security to bring a regular suit against the seizer for damages: if such suit be not instituted in a month, the order of confiscation shall stand final without appeal, and the penalty shall be levied from the surety. *Beng Ben.* 1800 R. 4 § 4.

4. If such suit be instituted, the salt shall be kept till the decision. *Beng Ben.* 1800 R 4 § 7.

5. If the seizure be found illegal, the party shall recover damages. *Beng. Ben.* 1800 R. 4 § 4

6 But if the suit be deemed merely dilatory, the fine may be increased to fifteen Rupees per Maund: such decisions are appealable *Beng. Ben.* 1800 R 4 § 6.

7. But no appeal shall be admitted from an order of confiscation when no suit is brought. *Beng. Ben* 1800 R 4 § 4.

8. Half of the penalties is to be paid to the officers seizing such salt without an informer. *Beng. Ben.* 1800 R 4 § 8.

9 Or in equal shares to officers and informers, where a seizure is made on information *Beng. Ben* 1800 R 4. § 9.

10. The cattle, carriages, boats, &c. used in transporting such salt, shall be attached till payment of the penalty; and may be sold for the recovery of it. *Beng. Ben.* 1800 R. 4 § 10.

A. D. 1803 11. In the summary inquiry under Section 3, Regulation 4 of 1800, in cases of attachment of adulterated salt, the Judge is to convene a number of respectable deal-

[illegible]

12. If the Judge be satisfied, that the owner of the [illegible] is unable to [illegible] rity required by Section 4. Regulation 4 of 1800, the Judge may [illegible] for his appearance and to abide the suit, and to answer, in his own person [illegible] nalty; keeping the [illegible] under attachment. *Beng. Ben.* 1803 *R.* [illegible]

SAYER REVENUE.

I. RESUMPTION AND ABOLITION OF SAYERS.

1. Every rule or order of Government regarding the imposition or levying of taxes, is to be formed into a Regulation, printed and published. *Beng.* 1793 *R.* 41. § 2. ext. *Ben.* 1795 *R.* 1. § 4. *Cod. Prov.* 1803 *R.* 1. § 2. A. D. 1795

2. The rules for the resumption and subsequent abolition of the Sayer, are enacted into a Regulation. *Beng.* 1793 *R.* 27. § 1.

3. 1st; Rules for the resumption passed on the 11th June 1790. *Beng.* 1793 *R.* 27. § 2 & 3.

4. No landholder, nor other person of whatever description, shall be allowed, after 11th June 1790, to collect any tax or duty of any denomination. *Beng.* 1793 *R.* 27. § 2 *C.* 1.

5. But monthly or annual payments for the use of land, or houses, shops and other buildings erected thereon, being clearly rents, and not duties or taxes, are to be enjoyed by the proprietors entitled thereto. *Beng.* 1793 *R* 27. § 2. *C.* 2.

6. All persons, exacting duties contrary to this prohibition, on proof of the exaction in the Courts of Judicature, which Courts are directed to hear the cause within ten days after its institution, shall be liable to heavy damages and costs. *Beng.* 1793 *R.* 27 § 2. *C* 12.

7. The Collectors are to resume all taxes and duties in Gunges, Hauts and Bazars; but not the monthly or annual payment for the use of lands, houses, shops, &c. which are clearly of the nature of rents. *Beng.* 1793 *R.* 27. § 2 *C.* 3.

8. The Collectors are to appoint competent persons for the collection of such duties in the several Gunjes, Hauts and Bazars. *Beng.* 1793 *R* 27. § 2. *C* 4.

9. And to propose for the decision of the Board, the necessary establishments. *Beng.* 1793 *R.* 27. § 2. *C.* 6.

10. And to transmit, at the end of the year, abstracts of the accounts. *Beng.* 1793 *R.* 27. § 2. [illegible]

[illegible] Lakheraj lands [illegible] establishment, shall be paid to the proprietor. *Beng.* 1793 [illegible]

12. In the Mulgazaree lands one-tenth shall be paid to the proprietor, the nine-tenths carried to account of Government; if the proprietor consider himself entitled to more, the Collector shall decide on his claim, subject to an appeal to the Board. *Beng.* 1793 *R.* 27. § 2. *C.* 8.

13. Proprietors may appoint Agents to keep counterpart accounts of the collections. *Beng.* 1793 *R.* 27. § 2. *C.* 9.

14. These rules do not extend to the town of Calcutta. *Beng.* 1793 *R.* 27. § 2. *C.* 14.

15. They are to be most generally promulgated. *Beng.* 1793 *R.* 27. § 2. *C.* 15.

16. The charges of establishments are to be paid by Government, and not deducted from the collections. *Beng.* 1793 *R.* 27. § 3.

17. 2d; Rules for the abolition passed on the 28th July 1790. *Beng.* 1793 *R.* 27. § 4 & 5.

18. All duties coming under the denomination of Sayer are abolished from the 28th July 1790: except the Government and Calcutta customs, the duties on pilgrims at Gaya and other places of pilgrimage, the Abcaree or tax on spirituous liquors, which are to be collected on account of Government; the Gunj and Bazar duties, &c. within the town of Calcutta; and such collections as are confirmed to landholders, &c. viz. rent for the use of land, or for houses and shops erected thereon, or for orchards, pastures and fisheries, called Phulkur, Bunkur and Julkur. *Beng.* 1793 *R.* 27. § 4.

19. The ground, on which Hauts and Bazars are held, is to continue the property of the landholders: but the public are to have the free use of it. *Beng.* 1793 *R.* 27. § 5. *C.* 1.

20. But the landholders shall enjoy the rents arising from permanent shops and buildings. *Beng.* 1793 *R.* 27. § 5. *C.* 2.

21. Suits for the exaction of duties shall be heard within ten days; and the party shall be made to refund the exaction with twice the amount in damages, (which, with the costs, shall be recovered first from the offender or his property;) and shall be sentenced to a fine proportionate to the offender's circumstances, commutable for imprisonment in case of inability to pay the fine. *Beng.* 1793 *R.* 27. § 11.

22. The transportation of goods in the provinces of Bengal, Behar and Orissa, is to be free from all tolls whatever. *Beng.* 1793 *R.* 42. § 3.

23. Any abolished Sayer duties, which Government may re-establish, will belong exclusively to Government. *Beng.* 1793 *R.* 1. § 8. *C.* 2. *Ben.* 1795 *R.* 27. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 2. *Cang. Prov* 1805 *R.* 9. § 25. *C.* 2.

24. The collection of all Sayer collections was prohibited to the Amils in Bissees, under treble penalty, in the settlement of 1195. *Ben.* 1795 *R.* 4. § 2. A. D. [illegible]

25. And the settlement of 1196. *Ben.* 1795 *R.* 4 § 5.

26. To the landholders and farmers in the permanent settlement of 1197. *Ben.* 1795 *R* 4. § 6.

27. And to the Amils. *Ben.* 1795 *R.* 4. § 7.

28. All Zemindaree and other unauthorized duties were abolished on the 26th December 1787. *Ben.* 1795 *R.* 4. § 3.

29. Under treble penalty, payable to the party aggrieved on proof in a Court of Judicature 1795 *R.* 4. § 4.

30 The Courts are required to hear such complaints in preference to all other suits. *Ben* 1795 *R* 4 § 9

31 And to award the whole penalty to the party from whom the exaction was made *Ben.* 1795 *R* 4 § 8.

32 Daroghas of Custom house stations are to inform the Collector of all Chokees established by the Zemindars and others for the collection of Gunj duties, and if the party shall not withdraw the Chokee on requisition, and pay to the Collector what he may have collected, the Collector shall prosecute him. *Ben.* 1795 *R.* 4 § 10.

33 The settlement of the land revenue in the Ceded Provinces is to be exclusive of all Sayer duties, and the Zemindars shall bind themselves by their Kabooliuts not to collect any Sayer duties *Ced. Prov.* 1803 *R.* 27. § 53. A. D. [illegible]

34 All duties under the denomination of Sayer, Rahdaree, Zemindaree, or any other denomination, are abolished in the Ceded Provinces. *Ced Prov* 1803 *R.* 38. § 2

35. But the Gunj duties, hitherto levied on goods sold in Bazars and Gunjes, shall be levied at the usual rates until modified or altered. *Ced. Prov.* 1803 *R.* 38. § 15. Re-enacted 1804 R. 14 § 1

36 Such Gunj duties shall be collected on goods sold at the hill fairs on the borders of Rohilkhund and Gorukpoor, as may be deemed expedient. *Ced. Prov.* 1803 *R.* 38. § 17. Ditto

37. All duties under the denomination of Sayer, Rahdaree, Zemindaree, or any other denomination, are abolished in the Ceded Provinces. *Ced. Prov.* 1804 *R.* 11. § 3. A. D. 1804

[illegible] 1804 38. And in Bundelkhund and the Conquered Provinces, except the City of Delhi and the territory assigned to the King. *Ced. Prov.* 1804 *R* 11. § 4.

Rescinded 1805 R 4 § 2 39. But the Gunj duties on goods sold in Bazars and Gunjes, shall be levied for the present at the usual rates. *Ced. Prov.* 1804 *R.* 11. § 19.

40. Such Gunj duties shall be collected on goods sold at the hill fairs of Rohilkhund and Gorukpoor, as may be deemed expedient. *Ced. Prov.* 1804 *R.* 11. § 21.

R. 1805 41. All duties, levied by Government in the Ceded Provinces, on goods sold in the Bazars and Gunjes, are to cease from 10th September 1805. *Ced Prov* 1805 *R.* 6 § 2.

42. And all such duties levied by Government or individuals in Bundelkhund and the Conquered Provinces, except the City of Delhi and the territory assigned to the King. *Ced. Prov.* 1805 *R.* 6 § 3.

43. But monthly or annual payments for the use of land, or for houses, shops, or other buildings, erected thereon, or for orchards, pastures and fisheries, being clearly rents and not duties or taxes, shall be enjoyed by the proprietors entitled thereto. *Ced. Prov.* 1805 *R* 6 § 39.

44. And the tax on pilgrims at Allahabad and Hurdwar, and the tax on spirituous liquors, shall be levied as before *Ced. Prov* 1805 *R* 6. § 38

45 At the commencement of 1213, the Saver of every denomination is to be separated from the revenue; and a settlement concluded for the latter only in the Conquered Provinces and Bundelkhund. *Ced. Prov.* 1805 *R.* 9 § 3.

46. And at the commencement of 1212 in Cuttack *Beng* 1805 *R.* 12. § 4 *C.* 2.

47. All Sayer duties are abolished in Cuttack except the tax on spirits and drugs, and the duties on pilgrims at Jugunnaut: but Government will grant adequate compensations to persons who derived advantages from the Saver duties under due authority or by long usage. *Beng.* 1805 *R.* 12. § 31.

II. *COMPENSATION FOR SAYER RESUMED OR ABOLISHED.*

A D 1793 1. The public assessment on lands is to be fixed exclusive of all Sayer duties, excepting such Gunj collections as are confirmed to the proprietors by Regulation 27 *Beng.* 1793 *R.* 8. § 35.

2 The holders of Gunjes, Bazars, Haats, &c shall receive an equitable compensation adequate to the profit which they derived from duties collected with due authority, or by usage commencing previous to the Company's Government. *Beng.* 1793 *R.* 27. § 2. *C.* 10.

3.

[illegible] *Beng.* 1793 *R.* 2. § 8. *C.* 6. *Ben.* 1795 *R.* 5. § 7. *C.* 6. *Ced. Prov.* [illegible] § 7. *C.* [illegible]

4 The Collectors, respectively, shall [illegible] their proceedings [illegible] to the Board of Revenue; who shall submit their opinion to Government [illegible] *R.* 27. § 2. *C.* 11. *Ced. Prov.* 1805 *R.* 6. § 40. *C.* 2.

5. Claims to pensions formerly received from the abolished Sayer, shall be [illegible] to the Collector. *Beng.* 1793 *R.* 24. § 5. *Ben.* 1795 *R.* 34. § 5.

6. Persons, claiming compensation for Sayer, must, in three months from a public notice to be given, exhibit to the Collectors the titles under which they levied the duties, or proof that they levied them previous to the Company's Government. *Beng.* 1793 *R.* 27. § 2 *C.* 10. *Ced. Prov.* (in twelve months) 1805 *R.* 6. § 40. *C.* 1.

7 Lists of pensions from the Sayer shall be sent by the Collectors to the Board, with a report how far the parties are objects of charity. *Beng.* 1793 *R.* 27. § 2. *C.* 13.

8. The Collectors may make a monthly allowance to the holders of Lakheraj Gunjes, if likely to suffer distress until the adjustment of their compensations. *Beng.* 1793 *R.* 27 § 4 *Ced Prov.* 1805 *R.* 6. § 40. *C.* 4.

9 Compensations to Lakheraj proprietors, when admitted, shall be paid quarterly by the Collector in money, or in bonds at interest. *Beng.* 1793 *R.* 27. § 6. *C.* 1.

10. And to Malguzaree proprietors, by an abatement of Jumma to such as engage for their own lands; and by a certificate for the amount receivable from the farmer, to those whose lands may be farmed or held Khas. *Beng.* 1793 *R.* 27. § 6. *C.* 2.

11 The compensation to Malguzaree proprietors is to be paid by Government instead of the farmer. *Beng.* 1793 *R.* 27. § 7. *C.* 1.

12. To such as engage for their lands it is to be made by an abatement of Jumma; and to those whose lands are farmed or held Khas, it is to be paid quarterly by the Collector, until it can be provided for by an abatement of Jumma on their engaging for their lands *Beng.* 1793 *R.* 27. § 7. *C.* 2.

13. And to disqualified landholders, by an abatement equal to the whole Sayer from the entire Jumma, or to ten per cent thereon from the land assets. *Beng.* 1793 *R.* 27. § 8.

14. An abatement for the Sayer abolished is to be made from the Jumma of the Mokururee leases continued in force during the lives of the lessees. *Beng.* 1793 *R.* 8. § 16.

15. And those continued in force to the proprietors of the soil. *Beng.* 1793 *R.* 8. § 17.

16.

A.D. 1793 16. The Board of Revenue shall grant to the Lakheraj proprietors certificates for adjusted compensations for Sayer. *Beng* 1793 *R.* 27. § 9.

17. And in a prescribed form, both to Lakheraj and Malguzaree proprietors. *Beng.* 1793 *R.* 27. § 10.

18. If any Sayer compensations remain to be adjusted, the adjustment is left to the Collectors and Board, subject to the control of Government; the Courts of Judicature are to have no cognizance of such claims except for nonpayment of an adjusted compensation; but if payment shall have been withheld pursuant to an order of Government, or of the Board, the Judge is first to transmit the petition to Government under Section 11, Regulation 3; and the Collector is to defend the suit for Government. *Beng.* 1793 *R.* 27. § 12.

A.D. 1805 19. Zemindars in the Ceded Provinces are not entitled to any compensation for the abolished Sayer; but the proprietors of rent-free lands shall receive a compensation adequate to the profit which they derived from duties collected with due authority, or by usage commencing before the Company's Government. *Ced. Prov.* 1805 *R.* 6. § 40. *C* 1.

20. The compensation, when adjusted, shall be paid quarterly by the Collectors. *Ced. Prov.* 1805 *R.* 6. § 40. *C.* 3.

III. *ABCAREE.*

Vide Abcaree, Vol. I. Page 1

IV. *PILGRIM TAX.*

Vide Pilgrim Tax, Vol. II. Page 663

V. *POLICE TAX.*

Vide Police Tax, Vol. II. Page 685

VI. *STAMPS.*

Vide Stamp Duty, Vol. II. *Infra.*

SENTENCE.

I. *BY THE NIZAMUT ADAULUT.*

A.D. 1793 1. The sentences of the Nizamut Adaulut shall be regulated by the Muhamedan law, except where a deviation is directed by a Regulation. *Beng* 1793 *R.* 9 § 54. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R* 8. § 9.

2. In the sentences of the Nizamut Adaulut on trials for murder, the distinction of the Muhamedan law, as to the mode of committing the murder, shall not be adhered to, but the intention, and not the manner or instrument of perpetration, except as evidence of the intention, shall constitute the rule. *Beng.* 1793 *R.* 9. § 75. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 9. § 10. *C.* 1.

3. And the Nizamut Adaulut shall [illegible] murderers [illegible] liable to death in the event of the heir forbearing, Kissas, and of that appearing in the proceedings, though the heir should pardon him or require Deyut. *Beng.* 1793 *R.* [illegible] § 76. ext. *Ben.* 1795 *R.* 16. § 22.

4. And when the heir refuses to prosecute, shall pass such sentence as they would have passed if he had prosecuted. *Beng.* 1793 *R.* [illegible] § 55. ext. *Ben.* 1795 *R.* 16. § 22.

5. On trials referred to the Nizamut Adaulut, that Court shall pass the final sentence, after perusing the proceedings of the Court of Circuit, the Futwa of the law officer of that Court, and the Futwa of the law officers of the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 77. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 12.

6. The Nizamut Adaulut may recommend to the Governor General in Council pardon or commutation of punishment for prisoners sentenced to suffer death, if deemed objects of mercy. *Beng.* 1793 *R.* 9. § 79 ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 14.

7. When witnesses are deemed incompetent on account of not being Muhamedans, the Nizamut Adaulut shall pass such sentence as they would have passed if the witnesses had been deemed competent. *Beng.* 1793 *R.* 9. § 56. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 25.

8. A copy of the sentence of the Nizamut Adaulut shall be sent within three days or sooner, under the seal of the Nizamut Adaulut and signature of the Register, to the Court of Circuit, who shall issue a warrant to the proper Magistrate for carrying it into execution; and the Magistrate shall cause the sentence to be executed without delay, and return the warrant with a signed endorsement certifying the manner of execution: warrants so returned shall remain with the Court of Circuit, except warrants for capital punishment which shall be forwarded to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 78. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 13.

9. The Nizamut Adaulut, on trials for establishing Koorhs, may order mitigation or restitution of the fine, but the sentence of the Court of Circuit shall, until receipt of the order of the Nizamut Adaulut, be considered in full force and carried into effect. *Ben.* 1795 *R.* 21. § 4. A. D. 1795

10. Persons, convicted of setting fire to a Koorh, are to remain in jail to wait the final sentence of the Nizamut Adaulut; who, if they approve the condemnation, shall sentence the Brahmen to transportation for life; or, if they see cause, shall recommend to the Governor General in Council pardon or mitigation. *Ben.* 1795 *R.* 21. § 7.

11. And similar sentence or mitigation on a Brahmen convicted of killing his women or children. And the Nizamut Adaulut may recommend to the Governor General in

A. D. 1795 Council mitigation of the sentence of banishment and forfeiture of the family; and, if they confirm the sentence, shall report it to the Governor General in Council; and their sentence of forfeiture shall not be carried into execution without the order confirming such sentence and directing the disposal of the property. *Ben.* 1795 *R.* 21. § 9.

12. The sentence of forfeiture shall not take place if the Governor General in Council should limit the banishment to the offender himself or to a part only of his family. *Ben* 1795 *R.* 21 § 10.

13. The sentence of transportation on such Brahmen, for wounding any of his women or children, shall be subject to the same reference to the Nizamut Adaulut, commutation, or pardon. *Ben* 1793 *R* 21 § 8

14. The sentence on a Brahmen convicted of sitting Dhurna, shall not be executed till reported to the Nizamut Adaulut, and confirmed or mitigated by that Court. *Ben.* 1795 *R.* 21. § 11. *C.* 2.

A. D. 1796 15. The Nizamut Adaulut, after revising the proceedings on trials held by the Bhaugulpoor hill assembly, shall confirm or alter the sentence or pass any other sentence deemed equitable. *Beng* 1796 *R.* 1. § 13. *C* 1

16. But sentences of mutilation shall be commuted into imprisonment of seven years for each limb, if the Nizamut Adaulut be satisfied of the prisoner's guilt, or for a shorter period, if the Court should deem it proper *Beng.* 1796 *R* 1. § 13. *C* 3.

17. The Nizamut Adaulut shall sentence to death a prisoner convicted of murder if declared by the assembly guilty, and if he would have been liable to suffer death in case the heir had demanded retaliation *Beng* 1796 *R.* 13 § 4

18 But shall not pass sentence of capital punishment on any prisoner, not adjudged by the assembly to suffer death. *Beng.* 1796 *R* 1. § 13 *C* 2

19. And may recommend to the Governor General in Council pardon or commutation of punishment for prisoners sentenced to suffer death, if deemed objects of mercy. *Beng.* 1796 *R.* 1. § 13 *C.* 5.

20. The Nizamut Adaulut may recommend to the Governor General in Council pardon or mitigation of punishment for prisoners sentenced by the Futwa to a more severe punishment than shall appear to the Court just and equitable. *Beng. Ben.* 1796 *R.* 6. § 2. *C.* 1 *Cod. Proc* 1803 *R.* 8 § 19. *C.* 1.

21. Stating their reasons at large for the recommendation. *Beng. Ben.* 1796 *R.* 6. § 2. *C* 2 *Cod. Proc* 1803 *R.* 8. § 19. *C.* 2.

22. The Nizamut Adaulut may, on trials for resistance to Criminal Courts, commute the forfeiture for a fine, and the sentences of that Court, adjudging a fine, impri-

[illegible] be imposed [illegible] shall be [illegible] if the Court [illegible] the forfeiture, all the proceedings shall be submitted to the Governor General in Council, who, if he likewise confirm the forfeiture, will give directions through the Revenue Board to the Collector for the disposal of the property; but if the sentence of forfeiture be set aside either by Government or the Nizamut Adaulut, the Magistrate, on being informed thereof and on receipt of the fine if a fine be imposed, shall by precept direct the Collector to withdraw the attachment. *Beng. Ben.* 1796 *R.* 11. § 3. *Ced. Prov.* 1804 *R.* 3. § 3.

23. The Nizamut Adaulut shall pass, on trials for neglect of Police duties, such sentence as may appear proper; and their sentence, if adjudging a fine, shall be final and carried by the Magistrate into immediate execution; but, if adjudging forfeiture, shall be submitted with all the proceedings to the Governor General in Council, who will confirm it or commute it for a fine or otherwise; and, if he confirm it, will give instructions to the Collectors through the Board of Revenue for the disposal of the property. *Beng.* 1797 *R.* 2 § 3 *C* 3 *Ced Prov.* 1803 *R.* 35. § 3. *C* 5. A. D. 1797

24. On trials for murder, the Nizamut Adaulut, after considering the proceedings, and requiring further evidence if necessary, shall pass such sentence as may appear consonant to justice and conformable to the Muhamedan law with the modifications authorized by the Regulations, adhering to the Muhamedan law though repugnant to justice if in favour of the prisoner; and recommending pardon or mitigation to the Governor General in Council if against the prisoner; and proposing a Regulation to provide against a recurrence of the case. *Beng. Ben.* 1797 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 8. § 11.

25. The Nizamut Adaulut may sentence to transportation, during the period of their sentence, convicts sentenced to an imprisonment of seven years and upwards: and the Courts of Circuit are to refer to the Nizamut Adaulut all instances in which they consider convicts proper objects of transportation. *Beng. Ben.* 1797 *R.* 4 § 10. Modified 1803 R. 53 §

26 The Nizamut Adaulut may sentence to transportation during the remainder of their sentence, or for a longer period, convicts re-apprehended after their escape from jail, and the Magistrates shall submit to the Nizamut Adaulut their proceedings on the escape and re-apprehension, with their opinion on the propriety of extending the period. *Beng. Ben.* 1799 *R.* 2. § 5. A. D. 1799 date

27. The sentences of a special Court, on the trial of crimes against the state, whether of acquittal or conviction, shall be reported with the proceedings to the Nizamut Adaulut previous to carrying them into execution. *Beng. Ben.* [illegible] 4. § 3. *Ced. Prov.* 1803 *R.* 20. § 3.

A. D. 1799 28. And the Nizamut Adaulut shall report, with the proceedings, to the Governor General in Council, their sentence on such trials, and wait the order of Government before they direct their sentence to be carried into execution. *Beng. Ben.* 1799 *R.* 4. § 5. *Ced Prov.* 1803 *R.* 20 § 5.

29. The Nizamut Adaulut shall sentence to suffer death, unless deemed objects of mercy, persons convicted of wilful murder, to the full satisfaction of the Nizamut Adaulut, although the Futwa should declare them not liable to suffer death by Kissas, solely on the ground of some personal distinction, and exception from the general rules of equal justice. *Beng. Ben.* 1799 *R.* 8. § 2 *Ced Prov.* 1803 *R.* 8 § 15.

30. Or on the grounds of their having been desired by the party slain to put him or her to death. *Beng. Ben.* 1799 *R* 8. § 3. *Ced. Prov.* 1803 *R.* 8 § 16.

31. Or of one or more of the prisoner's accomplices being exempted from Kissas. *Beng. Ben* 1799 *R.* 8. § 4 *Ced Prov* 1803 *R.* 8 § 17.

32. And persons convicted of wilful murder by drowning or poisoning, whatever be the Futwa, if the intention of drowning or poisoning be evident. *Beng. Ben.* 1799 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 1.

A. D. 1801 33. The Nizamut Adaulut shall sentence to suffer death, unless deemed an object of mercy, a person convicted of accidentally killing one individual in the deliberate intention of killing another, if the Futwa declare that he would have been liable to death in the event of his having effected the murder intended by him, or if he be liable to suffer death under the modifications of the Muhamedan law contained in any Regulation, and provided it be established to the satisfaction of the Court that he intended to commit deliberate and malicious murder; and all such trials shall be referred to the Nizamut Adaulut. *Beng. Ben.* 1801 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 2.

34. And a person convicted of having committed a homicide with a murderous intention, or in the deliberate intention of committing any crime, such as, if carried into effect, would have subjected him to a sentence of death. *Beng. Ben.* 1801 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 3.

35. On trials for malicious wounding, the Nizamut Adaulut, after considering the Futwa and proceedings, shall pass such sentence, short of death, as may appear adequate to the offence, or recommend pardon to Government. *Beng. Ben.* 1801 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 5.

A. D. 1802 36. On trials for human sacrifices, the Nizamut Adaulut shall pass sentence according to Section 75, Regulation 9 of 1793, whatever be the Futwa; or shall report to Government the case of any person deemed an object of mercy. *Beng. Ben.* 1802 *R.* 6. § 2.

37.

37 On the reference of trials for crimes committed in the Ceded Provinces before the Regulations, the Nizamut Adaulut is to pass sentence, after receiving the Futwa of their law officers, and calling for further evidence if deemed necessary; and are not to apply the modifications of the Muhamedan law, except for mutilation, or where favourable for the prisoner. *Ced. Prov* 1803 *R.* 51 § 3. *C.* 2.

38 And in cases where the Muhamedan law exempts from punishment persons convicted of heinous offences, may sentence them to confinement for life, or any other period deemed sufficient, or may direct, that previous to their release, they give security for their appearance and good behaviour. *Ced. Prov.* 1803 *R* 51. § 3. *C.* 3.

39 With the above exceptions, the Nizamut Adaulut are to observe, in their sentences on such trials, the same rules as on other trials. *Ced. Prov* 1803 *R* 51. § 3. *C.* 4.

40. Leaders of gangs and heinous offenders in robbery, attended with aggravating acts short of homicide, may be adjudged, by the Nizamut Adaulut, to death, if deemed deserving of it by the Nizamut Adaulut, if convicted of repetition, or of such a degree of cruelty as may be punishable with death under the discretion allowed by Seeasut *Beng. Ben Ced Prov* 1803 *R* 53. § 4. *C.* 2.

41 Leaders and heinous offenders in robbery, unattended with aggravating acts, may be adjudged by the Nizamut Adaulut to imprisonment and transportation for life, if deemed deserving of it by the Nizamut Adaulut, if convicted of repetition, or on proof of bad character, or of any aggravating circumstance. *Beng. Ben. Ced Prov.* 1803 *R.* 53 § 4 *C* 3.

42 In case of any extenuating or discriminating circumstance in any particular instance, or on consideration of the great number convicted of the same crime, the Nizamut Adaulut may mitigate sentences *Beng Ben Ced Prov.* 1803 *R* 53 § 4 *C* 5.

43 The Nizamut Adaulut may discharge a prisoner without reporting the case to Government, if the sentence have not been adjudged under a Regulation or the Muhamedan law *Beng Ben Ced Prov.* 1803 *R.* 53 § 4. *C* 6.

44 And shall report to the Governor General in Council the case of any prisoner who may appear a proper object of mercy. *Beng. Ben. Ced. Prov* 1803 *R.* 53 § 4 *C.* 6.

45 On trials for gang robbery, referred to the Nizamut Adaulut, if the law officers adjudge a prisoner to discretionary punishment, they shall state the grounds of their judgment, leaving the measure of punishment to the Court. *Beng Ben. Ced. Prov.* 1803 *R.* 53. § 7 *C.* 1.

46. The Nizamut Adaulut shall pass sentence on such trials, after taking a second Futwa, where requisite, according to Section 2. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7 *C.* 2.

A. D. 1803 47. And shall adjudge the prisoners to the punishments specified in Sections 3. 4 and 5, whatever be the Futwa, provided it declare them convicted on confession or sufficient evidence, and the Court see no reason for disapproving of the conviction or mitigating the punishment. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 4.

48. If the punishment of a crime shall not have been specifically provided for by a Regulation or the Muhamedan law, the Nizamut Adaulut, if satisfied with the conviction, may sentence the prisoner to any punishment less than capital. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7 *C.* 3.

49. In cases not capital, if the Circuit Judge shall concur in the conviction by the Futwa, and shall sentence the prisoner to the specified punishment, and the law officers of the Nizamut Adaulut shall confirm the conviction; and the sentence shall appear conformable to the Regulations, the Nizamut Adaulut may confirm the sentence without a revision of the proceedings: but in capital cases the Nizamut Adaulut shall revise the whole proceedings; and in cases not capital, if the Circuit Judge shall not concur in the conviction, or shall not consider the prisoner deserving of the specified punishment, or the law officers of the Nizamut Adaulut shall not confirm the conviction, or the sentence shall appear not conformable to the Regulations, the Nizamut Adaulut shall revise so much of the proceedings as may be requisite for forming a judgment. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 5.

50. Sentence of transportation shall be confined to convicts adjudged to imprisonment for life; and may be passed on such convicts, by either the Court of Circuit or the Nizamut Adaulut, when deemed proper objects of it. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 8. *C.* 2.

51. Such convicts, if not deemed objects of transportation, and convicts adjudged to limited imprisonment, may be sentenced to banishment and hard labour in any other Zilla to be selected by the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 8 *C* 3.

52. And the Nizamut Adaulut may commute into banishment sentences of transportation already passed on convicts adjudged to limited imprisonment, if not yet transported. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 10.

53. Convicts, returning from transportation without permission, shall be sentenced on conviction by the Nizamut Adaulut to death. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 9. *C.* 2.

A. D. 1804 54. On trials for crimes committed in Cuttack between the 14th October 1803 and the promulgation of this Regulation, the Nizamut Adaulut shall commute sentences of mutilation into imprisonment and hard labour for a term of years; and may execute, or commute,

commute, or mitigate, or recommend to the Governor General in Council the pardon of, sentences of death or of imprisonments exceeding seven years, and shall not pass any sentence except such as the party would have been liable to under the Muhammadan law. *Beng.* 1804 *R.* 4. § 7. A. D.

55. And similarly, in the Conquered Provinces, on offences committed between the 30th December 1803 (in Bundelkhund 16th December 1803) and the promulgation of this Regulation. *Ben. Ced Prov.* 1804 *R.* 9. § 11.

56. The Nizamut Adaulut are to be guided by the Regulations for Bengal &c in the sentences relating to the settlements of Chandernagore and Chinsura, with certain limitations. *Beng.* 1805 *R.* 16. § 3 *C.* 1. A. D. 1805

57 The Nizamut Adaulut may, in particular cases, sentence Police officers &c. to transportation for life, if convicted of going forth with a gang of robbers *Beng Ben. Ced. Prov.* 1805 *R.* 3. § 5.

58. And to any sentence not exceeding the limitation of Clause 3, Section 7, Regulation 53 of 1803, if convicted of connivance at thefts. *Beng. Ben. Ced. Prov* 1805 *R* 3. § 6.

II. *BY COURTS OF CIRCUIT.*

1. The Courts of Circuit are to pass sentence in the terms of the Futwa, if it appear consonant to justice and conformable to the Muhamedan law, and shall issue their warrant to the Magistrate for the execution of it, except the prisoner be sentenced to suffer death or imprisonment for life, in which cases the Court shall send the trials to the Nizamut Adaulut, and not execute the sentence, but wait the final sentence of that Court. *Beng.* 1793 *R* 9. § 47. ext *Ben.* 1795 *R.* 16. § 22. *Ced Prov.* 1803 *R.* 7 § 15 *C.* 1. A. D. 1793

2 But sentences of mutilation shall be commuted into imprisonment and hard labour of seven years for each limb. *Beng* 1793 *R.* 9 § 51. ext. *Ben.* 1795 *R.* 16 § 22. *Ced. Prov.* 1803 *R.* 7 § 21.

3. If on a conviction for murder, the heir of the slain require Deyut, the Court of Circuit shall not pass sentence, but shall forward the trial to the Nizamut Adaulut. *Beng* 1793 *R* 9. § 52. ext *Ben* 1795 *R.* 16. § 22. Re-enacted 1797 R 4 § 3

4 The Court of Circuit shall similarly forward to the Nizamut Adaulut, without passing sentence, any trial in which they may disapprove of any part of the proceedings or Futwa. *Beng.* 1793 *R.* 9. § 53. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 22.

A. D. 1798

5. Or if they disapprove the opinion of the law officer on any question upon points of law. *Beng.* 1793 *R.* 9. § 54. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 23.

Re-enacted 1797 R. 4 § 8

6. And a trial for murder in which the heir shall have refused to prosecute or shall not have appeared nor communicated his intention to pardon the offender, or shall not have attained the legal age for claiming Kissas. *Beng.* 1793 *R.* 9. § 55. ext. *Ben.* 1795 *R.* 16. § 22.

7. And a trial, in which the evidence is deemed incompetent by the Muhamedan law, solely on the grounds of the witness' not professing the Muhamedan religion. *Beng.* 1793 *R.* 9. § 56. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 25.

Rescinded 97 R. 14 § 6

8. When the sentence of the Court of Circuit directs a pecuniary compensation to the party injured, the Magistrate shall carry it into execution by the process for enforcing decrees of Civil Courts. *Beng.* 1793 *R.* 9. § 22. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1.

9. The Courts of Circuit may sentence persons guilty of contempt of Court, in open Court, to imprisonment not exceeding fifteen days, or corporal punishment not exceeding fifteen strokes of a ratan. *Beng.* 1793 *R.* 9 § 59. ext. *Ben.* 1795 *R* 16. § 22. *Ced Prov.* 1803 *R.* 7. § 28.

A. D. 1795

10. The Court of Circuit in Benares, on the conviction of any Brahmen for constructing a Koorh, or being prepared to wound or kill his women or children, shall sentence the principal to a fine equal to his annual income, to be estimated from the best information procurable, and an accomplice to a fine equal to one fourth thereof; and the parties shall be imprisoned till they pay the fine, or give security for the payment in six months, with security for future good behaviour. *Ben* 1795 *R.* 21. § 3.

11. Such sentences shall be transmitted within ten days to the Nizamut Adaulut. *Ben.* 1795 *R.* 21. § 4.

12. If any persons shall be burnt to death, or otherwise lose their lives, in consequence of such Koorh being set fire to, the Court of Circuit shall pass sentence of death on such Brahmen and his accomplices, whether consistent with the Futwa or not; but it is to be explained to the parties, that the trial will be referred to the Nizamut Adaulut. *Ben.* 1795 *R.* 21. § 7.

13. And similar sentence and reference, if such Brahmen should actually kill any of his women or children, with further sentence of banishment of the offender's family and forfeiture of his real estate; which sentence, with an account of their number, age and sex, and an opinion on the expediency of enforcing this part of the sentence, shall be reported by the Court of Circuit to the Nizamut Adaulut. *Ben.* 1795 *R.* 21. § 9.

14.

14. The Court of Circuit shall sentence such Brahmen to transportation, if he wound any of his women or children; subject to the same reference to the Nizamut Adaulut. *Ben.* 1795 *R* 21. § 8. A. D. 1795

15. Persons, convicted in Benares of sitting Dhurna, shall be sentenced by the Court of Circuit to be banished from Benares and to forfeit all title to the claim, for enforcing of which the offence was committed. *Ben.* 1795 *R.* 21 § 11. *C.* 2.

16. Rajcomars, causing their female children to perish for want of nourishment, shall be held guilty of murder and sentenced accordingly. *Ben.* 1795 *R.* 21. § 13. *Ced. Prov* 1804 *R.* 3. § 11.

17. If, on a trial for murder, the Futwa declare the prisoners not guilty, the Court of Circuit shall pass immediate sentence of acquittal, and order them to be discharged, unless the Judge disapprove of the verdict, in which case he shall transmit the trial to the Nizamut Adaulut: if the Futwa award Deyut, the Court of Circuit shall commute it into an imprisonment deemed adequate, and such sentence, if for temporary imprisonment, shall be carried into execution without reference to the Nizamut Adaulut as other sentences are; and, if for imprisonment for life, shall be referred to the Nizamut Adaulut. If the Futwa declare the prisoner liable to suffer death in the event of the heir requiring Kissas, or not liable to capital punishment in consequence of the failure of Kissas, the trial shall be referred to the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 4. § 3 *Ced. Prov.* 1803 *R.* 7 § 15 *C* 2. A. D. 1797

18. Persons, putting any one to death on a charge of sorcery, shall be held guilty of murder, or, forming themselves into an assembly for the trial of any person on such charge, shall, if the person be in consequence put to death, be deemed accomplices in murder and sentenced accordingly *Beng. Ben.* 1797 *R.* 4. § 6. *Ced. Prov.* 1803 *R.* 7. § 34

19. The Courts of Circuit in Bengal, Behar and Orissa, shall sentence persons convicted of sitting Dhurna, to pay a fine to Government, proportioned to their situation and circumstances, not exceeding 1000 Rupees, and, in cases of aggravation, to be confined in the Dewannee jail for not more than one year, and shall issue their warrant to the Magistrate to carry the sentence into execution without reference or delay. *Beng* 1797 *R.* 5. § 4. *Ced. Prov.* 1804 *R.* 3 § 10 *C.* 1.

20. No sentence of pecuniary compensation or damages, adjudged to or recoverable by individuals, shall be given on any criminal prosecution, nor any sentence of fine except to the use of Government; and the Court, passing a sentence of fine, shall fix a definite period of imprisonment at the expiration of which the prisoner shall be released though the fine be not paid. *Beng. Ben.* 1797 *R.* 14. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 1.

A. D. 1797 21. Including the fines which the Courts of Circuit in Bengal, Behar and Orissa, are empowered to adjudge on convictions for sitting Dhurna. *Beng.* 1797 *R.* 14 § 3. *C.* 2.

22. But the Courts of Circuit may order the restitution of stolen property recovered and produced in Court. *Beng. Ben.* 1797 *R.* 14. § 7 *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 3.

23. And reimbursement of costs actually incurred by the parties in a prosecution. *Beng. Ben* 1797 *R.* 14. § 8. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 3.

24. The imprisonment, awarded by a Court of Circuit in lieu of a fine, shall be temporary in all cases, and their sentence shall be executed without reference to the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 14. § 3. *C* 1 *Ced Prov.* 1803 *R.* 7 § 39 *C.* 1.

25. The Courts of Circuit shall commute, for an adequate period of imprisonment, Futwas of their law officers awarding Deyut or pecuniary fines for any acts other than homicide: and their sentence shall be carried into execution without reference to the Nizamut Adaulut, if for temporary imprisonment; and shall be referred to that Court, if for imprisonment for life *Beng. Ben.* 1797 *R* 14. § 4. *Ced. Prov.* 1803 *R* 7 § 39. *C.* 2.

26. Section 22, Regulation 9 of 1793, for enforcing pecuniary sentences of a Court of Circuit, is rescinded. *Beng. Ben.* 1797 *R.* 14. § 6.

27. The law officers of the Courts of Circuit are to declare in their Futwa, whether persons convicted of wilful and corrupt perjury are liable to Tesh-heer according to Hunefa as well as to corporal punishment and imprisonment according to Yusuf and Muhamed, and the Court shall sentence the prisoner to either mode of punishment, according as the Futwa may declare him liable, and the Court may consider him deserving; and, in cases of great enormity, may sentence him to the full punishment in both modes, subject to a reference to the Nizamut Adaulut if referrible. *Beng. Ben.* 1797 *R.* 17. § 2. *Ced. Prov.* 1803 *R.* 7. § 40.

28. And, in particular cases, may order his crime to be marked on his forehead by the process termed Godena: but shall use the utmost caution in inflicting this stigma, and shall record fully their reasons. *Beng. Ben.* 1797 *R.* 17. § 3.

A. D. 1801 29. The commutation of Deyut into imprisonment is not applicable to the homicides mentioned in this Regulation; but only to homicides not provided for as above: and in homicides by real misadventure, in the prosecution of a lawful act, and without any malignant intention, the Courts of Circuit are not to sentence the prisoner to any punishment, although the Futwa award Deyut. *Beng. Ben.* 1801 *R.* 8. § 6. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 6.

30.

30. The Courts of Circuit are to pass sentence, or refer the trial to the Nizamut Adaulut, according as the case may be referrible or not under the Regulations, in cases of wounding one individual in the malicious and unlawful intention of wounding another. *Beng. Ben.* 1801 *R.* 8. § 4. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 4. A. D. 1803

31. The trials of persons convicted, as principals or accomplices, of throwing a child, with or without his consent, into the sea or a river, in consequence of which such child shall perish, are to be referred to the Nizamut Adaulut. *Beng. Ben.* 1802 *R.* 6. § 2. A. D. 1802

32. But, if the child's life be saved, the Court of Circuit shall sentence the persons who exposed him to danger of life, and all aiders and abettors, to such punishment under the Futwa, as may appear adequate to the case. *Beng. Ben.* 1802 *R.* 6. § 3.

33. On the revision of the trials referred by the Magistrates of the Ceded Provinces prior to the 24th March 1803, the Court of Circuit is to be guided by the following rules in passing sentence. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 1. A. D. 1803

34. If the Futwa acquit the prisoner, and the Court approve of the Futwa, they shall pass sentence accordingly, and issue their warrant for his immediate release. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 2.

35. And if the Futwa award any punishment except death or perpetual imprisonment, and the Court approve of the Futwa, they shall pass sentence in conformity to the Futwa and issue their warrant for its execution. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 3.

36. But if the Futwa award death or perpetual imprisonment, the Court shall not pass sentence, but shall send the proceedings to the Nizamut Adaulut, and wait the final sentence of that Court. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 4.

37. The Court, in its sentences on such trials, shall not apply the modifications of the Muhamedan law introduced by the Regulations; except such as direct the commutation of mutilation or have otherwise a favourable construction for the prisoner; and, if the Muhamedan law shall exempt from punishment persons convicted of heinous offences, the Court shall send the trial to the Nizamut Adaulut with the recommendation of a specific period of imprisonment; or may direct, that the prisoner, previous to his release, give security for his appearance and future good behaviour. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 5.

38. If the Futwa declare a person liable to discretionary punishment, the Court of Circuit shall regulate the measure of punishment according to the following rules. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 1.

39. If a specific penalty have been denounced against the crime by any Regulation, the Court of Circuit, if they deem the prisoner convicted, shall sentence him to suffer

such

A. D. 1803 such punishment; or, if the case be referrible, shall send the trial to the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 2.

40. If a specific penalty have not been denounced by any Regulation, but the crime be liable to a specific penalty by the Muhamedan law on full conviction, and the Futwa should award discretionary punishment in consequence of the conviction not being complete according to the Muhamedan law, the Court, if satisfied of the prisoner's guilt, shall require a second Futwa specifying the specific penalty on full conviction, and shall sentence the prisoner according to such second Futwa, or send the trial to the Nizamut Adaulut if referrible. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 3.

41. And the same if the specific penalty of the Muhamedan law be barred by some special exception not affecting the criminality of the offence and repugnant to general justice. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 4.

42. But no sentence of punishment, exceeding or equal to the specific penalty of the Muhamedan law, shall be passed, if it be remitted by the law in consideration of circumstances diminishing the criminality of the offence, unless expressly denounced by a Regulation. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 5.

43. Nor any punishment, whatever be the Futwa, in cases of weak presumption or evidence unworthy of credit; but, in cases of strong suspicion or notorious bad character, the Court may order the prisoner's detention till he give security for his appearance and good behaviour. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 6.

44. If no specific penalty have been denounced by a Regulation or the Muhamedan law, the Court, after consulting with the law officer, shall sentence the prisoner to any punishment not exceeding 39 stripes and imprisonment with hard labour of seven years; or, if the Court deem such punishment insufficient, shall refer the trial to the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 7.

45. On conviction of robbing by open violence, if the Futwa declare the prisoner liable to discretionary punishment, the Court of Circuit shall pass sentence as provided in Section 2, Clause 2, of this Regulation; and, if it be for death, shall refer the trial to the Nizamut Adaulut; and, if for mutilation, shall pass sentence according to Section 4, or refer the trial to the Nizamut Adaulut, according as it may be referrible or not. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 3. *C.* 3.

46. Leaders of gangs by which a murder shall be committed, and persons actively concerned in such murder, or in any murder in prosecution of a robbery or of any intention to rob, as also persons present, aiding and abetting in such murder, or though not present, procuring and causing such murder by preconcerted plan to commit the same or to commit robbery, shall be adjudged to death. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 1.

47.

47. Leaders of gangs, when any person is wounded, maimed, burnt or otherwise personally injured, or a house is burnt or any other aggravating act committed, and persons actively concerned in such acts, of present, aiding and abetting in such acts, or, though not present, procuring and causing such acts by preconcerted plan to commit the same or to commit robbery, shall be adjudged to imprisonment and transportation for life. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 2.

48. Leaders of gangs in robberies without murder or any personal injury or other act of aggravation, or in violent attempts to commit robbery, and persons actively concerned in such robberies or attempts, or present, aiding and abetting in such robberies or attempts, or, though not present, procuring and causing such robberies or attempts by preconcerted plan for the purpose, shall be adjudged to imprisonment and hard labour for fourteen years. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 3.

49. Gangs apprehended before commission of robbery, or of violent attempt for the purpose, shall be adjudged to imprisonment and hard labour not exceeding seven years. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 4.

50 In case of any extenuating or discriminating circumstance in any particular instance, or on consideration of the great number convicted of the same crime, the Court of Circuit (if the trial be not referrible) may mitigate sentences. *Beng. Ben. Ced. Prov.* 1803 *R.* 53 § 4. *C.* 5.

51. The Court of Circuit shall also report to the Nizamut Adaulut, the case of any prisoner who may appear a proper object of mercy. *Beng. Ben. Ced. Prov.* 1803 *R.* 53 § 4. *C.* 6.

52. The Court of Circuit shall transmit to the Nizamut Adaulut all trials for gang robbery in which the sentence is for death or imprisonment during life, or when they disapprove of the Futwa and are not authorized by a Regulation to pass sentence notwithstanding the Futwa. *Beng. Ben. Ced. Prov.* 1803 *R.* 53 § 6. *C.* 1.

53. When the Judge disapproves of the Futwa, or any of the prisoners convicted are liable to a sentence of death, he shall send the trial to the Nizamut Adaulut without passing sentence; when he approves of the Futwa, and no prisoner convicted is liable to a sentence of death, he shall pass sentence, but shall not execute it in referrible cases until confirmed by the Nizamut Adaulut; nor shall he order execution of the sentence on an accomplice tried with the principal, while the trial of the principal is under reference, except for acquittal *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 6. *C.* 2.

54. Sentence of transportation is restricted to convicts adjudged to imprisonment for life, and may be passed on such convicts by the Court of Circuit when deemed proper objects of it. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 8. *C.* 2.

A. D. 1803. 55. Convicts, escaping from jail, shall be sentenced by the Court of Circuit to such additional punishment as may be deemed proper. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 9. *C.* 1.

A. D. 1804. 56. The Courts of Circuit are not to pass any sentence on offences committed in Cuttack between the 14th October 1803, and the promulgation of this Regulation, except such as the party would have been liable to under the Muhamedan law as it then prevailed in the province; the Court of Circuit may execute or mitigate sentences not extending to life or limb, or to imprisonment exceeding 7 years, and shall refer all higher sentences to the Nizamut Adaulut. *Beng.* 1804 *R.* 4. § 7.

57. And similarly in the Conquered Provinces on offences committed between the 30th December 1803 (in Bundelkhund the 16th December 1803) and the promulgation of this Regulation. *Ben. Ced. Prov.* 1804 *R.* 9. § 11.

A. D. 1805 58. The Court of Circuit may pass sentence of corporal punishment not exceeding 39 Koras, on persons convicted of gang robbery under Clauses 2 and 3, Section 4, Regulation 53 of 1803. *Beng. Ben. Ced. Prov.* 1805 *R* 3. § 2.

59. And not exceeding 30 Koras on persons convicted under Clause 4. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 3.

60. And sentence of death on Police officers, guards, watchmen &c. convicted of aiding in or procuring a robbery or attempt to rob, if any person be murdered or any aggravating act be committed; and sentence of corporal punishment, imprisonment and transportation for life, if no aggravating act be committed. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 4.

61. And sentence of corporal punishment, imprisonment and hard labour not exceeding 14 years, on Police officers &c. convicted of going forth with a gang; but the Nizamut Adaulut may, in particular cases, sentence them to transportation for life. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 5.

62. And any sentence not exceeding the limitations of Clause 7, Section 2, Regulation 53 of 1803, on Police officers &c convicted of theft, larceny or burglary, or of any direct connivance at theft &c. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 6.

63. The Court of Circuit are to be guided by the Regulations for Bengal &c. in their sentences relating to the settlement of Chandernagore and Chinsura. *Beng.* 1805 *R.* 16. § 3. *C.* 1.

64. But no sentence shall be passed on a crime committed previous to this date, under any Regulation enhancing the punishment beyond the provisions of the Muhamedan law. *Beng.* 1805 *R.* 16. § 3. *C.* 2.

65.

65. The sentences on crimes shall be according to the Mahamedan law with any modification enacted in favour of the prisoner, except that the will of the heir shall not be allowed to operate in cases of murder. *Beng.* 1805 *R.* 16. § 3. *C.* 3.

66. And if the provisions of the Muhamedan law and the Regulations would be more severe than the law in force in the settlement when it came into the possession of the British Government, the sentence on an European or descendant of an European shall be regulated by the law then in force. *Beng.* 1805 *R.* 16. § 3. *C.* 4.

III. *BY MAGISTRATES.*

1. Magistrates may pass sentence of fifteen days imprisonment, or 50 Rupees fine, on persons convicted before them of abusive language, calumny, petty assaults or affrays; but, if the offender be a landholder paying more than 10,000 Rupees annual revenue, an Aymadar paying more than 500 Rupees annual quit rent, or a proprietor of rent-free land yielding more than 1000 Rupees annual produce, they may fine him as far as 200 Rupees. *Beng.* 1793 *R.* 9. § 8. ext *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 8. A. D. 1793

2. And the same sentence on persons bringing such charges, or charges of theft, on litigious grounds *Beng.* 1793 *R.* 9 § 10. ext *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 10.

3. On persons convicted of petty thefts, sentence of 30 days imprisonment or 30 ratans. *Beng.* 1793 *R.* 9. § 9. ext *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 9.

4. If the Court of Circuit should in any case deem the Magistrate's sentence to have been passed on insufficient grounds, they are to report the circumstance, with their opinion, to the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 17. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 17.

5. The Magistrate of Bhaugulpoor may pass sentence in petty complaints, whenever he can adjust them to the satisfaction of both parties, among the inhabitants of the hills. *Beng.* 1796 *R.* 1. § 5. A. D. 1796

6. And where such complaints appear litigious, he may sentence the complainant to fifteen days imprisonment, or corporal punishment not exceeding fifteen strokes of a ratan. *Beng.* 1796 *R.* 1. § 6.

7. The Magistrate of Bhaugulpoor may confirm, without reference to the Nizamut Adaulut, and carry into immediate execution, sentences of the assembly of hill chiefs for an imprisonment not exceeding fourteen years; or he may mitigate such sentences, reporting the circumstances and his reasons to the Nizamut Adaulut. *Beng.* 1796 *R.* 1. § 11.

8.

A. D. 1796 8. And shall transmit the trial to the Nizamut Adaulut, when the sentence adjudges death, mutilation, or imprisonment exceeding fourteen years. *Beng.* 1796 *R.* 1. § 12.

Modified 1801 R. 9. § 5 9. Landholders, convicted of resistance to process of Magistrates or Police officers, shall be sentenced by the Magistrate to forfeiture of their lands; and the lands shall be immediately attached by precept of the Magistrate to the Collector. *Beng. Ben.* 1796. *R.* 11. § 2. *C.* 2. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 2.

Ditto 10. Sudder farmers, to forfeiture of their leases, with similar attachment of the land. *Beng. Ben.* 1796 *R.* 12. § 2. *C.* 3. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 3.

11. And any other person to a fine, to be enforced by the usual process for civil judgments; or, if there be not property adequate to the payment of the fine, to imprisonment or corporal punishment with the sanction of the Nizamut Adaulut. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 4. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 4.

12. All such sentences shall be transmitted to the Nizamut Adaulut, and not deemed final till confirmed by that Court. *Beng. Ben.* 1796 *R.* 11. § 2. *C.* 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 6.

A. D. 1797 13. The Magistrate may sentence to a fine, or forfeiture of lands or lease, as deemed adequate to the case, landholders and farmers of land in Benares &c. convicted of neglect of Police duties; specifying the fine adjudged or the Jumma of the land of lease forfeited; and transmitting the proceedings to the Nizamut Adaulut. *Ben.* 1797 *R.* 2. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 3.

14 No sentence of pecuniary compensation or damages, adjudged to be recoverable by individuals, shall be given on any criminal prosecution; nor any sentence of fine, except to the use of Government: and the Court, passing a sentence of fine, shall fix a definite period of imprisonment, at the expiration of which the prisoner shall be released, though the fine be not paid. *Beng. Ben.* 1797 *R.* 14. § 3. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 31.

15. The imprisonment awarded by Magistrates shall not exceed the period specified in Sections 8 and 9, Regulation 9 of 1793. *Beng. Ben.* 1797 *R.* 14. § 5. *Ced. Prov.* 1803 *R.* 6. § 31.

16. But Magistrates may order the restitution of stolen property recovered and produced in Court. *Beng. Ben.* 1797 *R.* 14. § 7. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 3.

17. And re-imbursement of costs actually incurred by the parties in a prosecution. *Beng. Ben.* 1797 *R.* 14. § 8. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 3.

A. D. 1799 18. The Magistrate of Silhet shall adjudge confiscation of contraband articles in the trade on the frontiers of Silhet, reporting his proceedings to the Governor General in Council for orders respecting the disposal of the property. *Beng.* 1799 *R.* 1. § 4.

19.

19. Persons, dissatisfied with the Magistrate's order of confiscation, may sue him in the Dacca Provincial Court of Appeal, after application to Government for leave, under Section 11, Regulation 3 of 1793. *Beng.* 1799 *R.* 1. § 6. A. D. 1799

20. Magistrates may sentence to forfeiture of license, and to imprisonment and hard labour for not more than six months, or to confinement in the Dewannee jail, a licensed vender of liquors or drugs, convicted of any misconduct not warranting his commitment for trial before the Court of Circuit. *Beng. Ben.* 1800 *R.* 6. § 29. *Ced. Prov.* 1803 *R.* 40. § 41. A. D. 1800

21. Magistrates may sentence to the punishment authorized by Section 8, Regulation 9 of 1793, instead of forfeiture, persons convicted of resistance to process of Magistrates or Police officers; and the sentence, in such cases, shall be executed without reference to the Nizamut Adaulut: but such sentences shall be liable to the revision of the Court of Circuit, under Section 17, Regulation 9 of 1793. *Beng. Ben.* 1801 *R.* 9. § 5. *Ced. Prov.* 1804 *R.* 3. § 2. *C.* 5. A. D. 1801

22. Landholders in the Jungul Mehals, convicted of neglect, connivance &c. in Police matters, may be sentenced to fine or imprisonment; and, in heinous cases, to forfeiture of land. *Beng.* 1805 *R.* 18. § 7. *C.* 15. A. D. 1805

23. When the Magistrate of the Jungul Mehals is of opinion, that a charge of wilful neglect in Police matters is proved against a landholder, he shall record the sentence deemed adequate, and transmit the proceedings to the Nizamut Adaulut for the sentence of that Court or of the Governor General in Council in cases of forfeiture of land. *Beng.* 1805 *R.* 18. § 7. *C.* 16.

24. Landholders, convicted of being concerned directly or indirectly in theft or robbery, or of being privy or aiding, shall be sentenced to the penalties of Section 3, Regulation 35 of 1803. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 8.

25. The Magistrate of Chandernagore and Chinsura, may sentence persons convicted of abusive language, calumny, inconsiderable assaults or affrays, petty theft, and larceny, unaccompanied with any aggravation, to corporal punishment not exceeding thirty ratans, or imprisonment for one year, or a fine to Government of 200 Rupees commutable for a fixed period of imprisonment. *Beng.* 1805 *R.* 16. § 4.

26. The Court of Circuit is to report to the Nizamut Adaulut whenever they deem the Magistrate's sentence to have been passed on insufficient grounds. *Beng.* 1805 *R.* 16. § 10.

S E P O Y S.

1. Collectors are not to employ Sepoys in the collection of the public revenue. *Beng.* 1793 *R.* 2. § 22. *Ben.* 1795 *R.* 5. § 21. *Ced. Prov.* 1803 *R.* 25. § 21. A. D. 1793

A. D. 1795

2. All persons, except Vakeels of native powers, are prohibited from clothing their servants in a dress similar to that of the Company's Sepoys or Lascars. *Ben.* 1795 *R.* 22. § 68. *C.* 2. *Beng. Ced. Prov.* 1806 *R.* 11. § 9. *C.* 2.

3. Company's servants, in official stations, are prohibited from putting their Peons and Payiks in a similar dress. *Ben.* 1795 *R.* 22. § 68. *C.* 4. *Beng. Ced. Prov.* 1806 *R.* 11. § 9 *C.* 4.

4. All persons, except in the service of Vakeels from native powers, are prohibited from wearing such a dress. *Ben.* 1795 *R.* 22. § 68. *C.* 3. *Beng. Ced. Prov.* 1806 *R.* 11. § 9. *C.* 3.

5. And public officers are required to deprive of his military dress any man wearing it in opposition to these orders *Ben.* 1795 *R.* 22. § 68. *C.* 6. *Beng. Ced. Prov.* 1806 *R.* 11. § 9 *C.* 6.

6. Sepoys &c. except Soobadars, Jemahdars and Surangs, residing temporarily in, or travelling through, the interior country (except on public service), shall not wear their uniform coats. *Ben.* 1795 *R.* 22. § 68. *C.* 5. *Beng. Ced. Prov.* 1806 *R.* 11. § 9 *C.* 5.

7. Public officers shall send Sepoys offending herein to their corps, with a written complaint. *Ben.* 1795 *R.* 22. § 68. *C.* 6. *Beng. Ced. Prov.* 1806 *R.* 11. § 9. *C.* 6.

8. Persons, travelling with escorts, are prohibited from sending Sepoys or Lascars into villages for procuring provisions or pressing Coolies or Dandies; but must apply for assistance to the proper local authority. *Ben.* 1795 *R.* 22. § 68. *C.* 7. *Beng. Ced. Prov* 1806 *R.* 11. § 9. *C.* 7.

9. All persons, except public officers, are prohibited from giving badges to their Burkundazes, Peons, Payiks, or other servants; and the officers of Government are required to apprehend such persons and report the employer's name for the orders of the Governor General in Council. *Ben.* 1795 *R.* 22. § 72. *Beng. Ced. Prov.* 1806 *R.* 11. § 9. *C.* 8.

A. D. 1799 Modified 1803 R. 8 § 14 C. 5

10. All guards of whatever description, convicted by the Magistrate of wilful neglect in the escape of convicts under their charge, shall be dismissed; and, if deemed guilty of connivance or further criminality, shall be committed for trial before the Court of Circuit. *Beng. Ben.* 1799 *R.* 2. § 6. *Ced. Prov.* 1803 *R.* 8. § 23.

11. No Burkundazes, or other armed men belonging to individuals, shall be permitted to pass beyond the Company's frontier in Silhet, excepting such as may be indispensably necessary for personal safety or the security of property. *Beng.* 1799 *R.* 1. § 3. *C.* 3.

12.

12. When a Magistrate deems a military guard, whether from a regular corps or a provincial battalion, to have been guilty of conniving at a prisoner's escape, he shall make him over to the military power to be tried by martial law. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 5. *Beng. Ben.* 1806 *R.* 11. § 10. *C.* 2.

13. And in any other offence involving a breach of military duty and properly cognizable by a Court Martial. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 6. *Beng. Ben.* 1806 *R.* 11. § 10. *C.* 3.

14. The Commanding Officer of a corps or detachment of troops proceeding by land or water, shall communicate to the Magistrate and Collector the probable time of the arrival of the troops within their jurisdiction; and to the Collector the probable time of their arrival at each place where supplies will be wanted, and at the rivers or Nullas where boats or temporary bridges may be necessary; with a specification of the supplies, &c. which will be wanted. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 2. A. D. 1806

15. The Collector shall, immediately on receipt of such notice, issue orders to the landholders, farmers, Tehsildars &c. for providing supplies and for preparing boats and bridges; and shall depute a native officer to accompany the troops and assist in providing supplies, bearers, Coolies, boatmen, carts &c. and the Police officers, on the application of such officer, shall afford their aid. *Beng. Ben. Ced. Prov.* 1800 *R.* 11. § 3. *C.* 1.

16. Such supplies shall be paid for at the market price by the persons receiving them, and the Commanding Officer shall afford immediate redress on any complaints by the persons furnishing such supplies. *Beng. Ben Ced. Prov.* 1806 *R.* 11. § 3. *C.* 2.

17. The Commanding Officer shall grant a certificate to the landholder &c. who may provide boats or bridges, specifying the number of boats and boatmen, the burthen of each boat, the length of time employed, the dimensions of each bridge, and the materials whereof it may be composed. *Beng. Ben Ced. Prov.* 1806 *R.* 11. § 4. *C* 1.

18. Such certificate, with a detail of the expense, shall be transmitted to the Collector, who shall communicate the particulars to the Commanding Officer; and the latter shall certify thereon whether the services therein charged were performed, or any exception which he may have to offer. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 4 *C.* 2.

19. On the return of the account, the Collector shall certify whether the charges are reasonable, and shall transmit the account and vouchers through the prescribed channel to the Governor General in Council, who will pass a final order on it; and, in the mean time, the Collector may pay the whole or any reasonable proportion of the charge, inserting the amount at the foot of his Treasury account. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 4. *C.* 3.

20.

20. Any landholder &c. deeming himself entitled to compensation for any injury sustained from the troops, shall furnish an accurate account thereof to the Commanding Officer, who shall certify thereon whether the damage has been sustained, and his opinion respecting the justice of the claim. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 5. *C.* 1.

21. On any claim to compensation being presented, with the certificate, in ten days from the date of it, the Collector shall inquire into the claim, and report his proceedings, with an opinion, to the Board of Revenue, for the orders of Government: no such claim shall be received after the expiration of ten days, except on good reason for the delay; nor, without such certificate, except on sufficient cause for not obtaining it; and, in the latter case, the Collector shall transmit it to the Commanding Officer, and wait his reply previous to determining on the admissibility of the claim. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 5. *C.* 2.

22. The Magistrate, on receiving such notice, shall immediately send orders to the Police officers to co-operate with the Collector's officer in procuring supplies, and to afford every assistance for facilitating the march. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 6.

23. The Commanding Officer is to report to the Commander in Chief in what manner the troops have been supplied in their route; and the Collector shall report to the Board of Revenue, and the Magistrate to the Nizamut Adaulut, for the information of Government, any complaints of the misbehaviour of troops which may appear well founded and of sufficient importance. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 7.

24. Military officers, proceeding through the country without troops, either in the public service or on their private affairs, shall apply to the Police officer for any requisite aid of bearers, Coolies, provisions &c. which the Police officers shall furnish or cause to be furnished by the proper person: but Police officers are prohibited, under pain of dismission, from compelling any persons not accustomed to act as bearers, Coolies or boatmen, to serve on such occasions; and from furnishing bullocks or carts not kept for hire or exclusively appropriated to agriculture. The persons, so employed, may return from the first Police station of the next Zilla, unless they should enter into a voluntary engagement to the contrary; the Police officers shall adjust the rate of hire for the bearers &c. and may require the whole or a part to be paid in advance; and, if the traveller refuse to comply with the adjustment, he shall not be entitled to assistance. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 8.

25. The following rules are enacted for civil officers in applying for guards or detachments from the regular corps. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 13.

26. When a Magistrate shall require military aid for the apprehension of offenders, or the maintenance of the peace, he shall state in writing as fully as practicable the nature of the service to the Commanding Officer, leaving him to judge of the strength of the force. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 14. *C.* 1.

27. The allotment of the force will rest with the Commanding Officer; but he is not to exercise any discretion in granting or withholding the required aid, as the responsibility of calling for military aid will rest with the Magistrate; who is enjoined to confine his requisition to cases of absolute necessity, and to make an immediate report to Government with the fullest information respecting the circumstances. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 14. *C.* 2.

28. The Commanding Officer will also transmit immmediate reports of such detachments to the Commander in Chief. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 14. *C.* 3.

29. Any civil officers, requiring a permanent guard from a regular corps, shall state the nature of the service to the Commanding Officer, who shall furnish a guard of such strength, as he may deem necessary; unless any objection occur to a compliance with the application, in which case he may suspend compliance, and refer the case to the Commander in Chief, who will decide upon it, or refer it to Government. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 15. *C.* 1.

30. And the same for a temporary escort. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 16.

31. Judicial officers are required, on receipt of this Regulation, to transmit to the Governor General in Council, and Revenue and Commercial officers to the Boards of Revenue and Trade respectively, a statement of the permanent guards required by them; and the Boards shall submit such statements, with their remarks, for the orders of Government. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 15. *C.* 1.

32. No augmentation shall be made in the permanent guards without the express sanction of Government. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 15. *C.* 2.

33. Judicial officers are required to transmit to Government, and Revenue and Commercial officers to the Boards of Revenue and Trade respectively, on the first day of each month, a statement of all guards, detachments and escorts employed in the preceding month; and the Boards shall report to Government whenever of opinion that such guards &c. were not requisite. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 17.

34. The same rules are to be observed where provincial battalions are stationed, if any emergency should render the services of the regular corps necessary. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 18.

A. D. 1806 35. But any civil officer in Calcutta or its vicinity, requiring a guard, detachment, or escort, must apply to the Governor General in Council through the prescribed channel of correspondence. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 19.

SEZAWULS AND TEHSILDARS.

I. *APPOINTMENT AND RESPONSIBILITY.*

A. D. 1793 1. Tehsildars are to be appointed to receive the revenue of the separated Talooks, in those districts where it would be inconvenient for the revenue to be paid direct into the Collector's treasury. *Beng.* 1793 *R.* 8 § 14.

2. Such Tehsildars are to be persons of character and responsibility, paid by Government; and the Zemindars are not to be appointed Tehsildars of the separated Talooks. *Beng.* 1793 *R.* 8. § 15.

3. Tehsildars and Sezawuls in charge of Khas lands, and other officers employed in the collections, may be appointed Commissioners of lawsuits. *Beng.* 1793 *R.* 40. § 5. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 5.

4. Their commissions to last as long as they continue in office. *Beng.* 1793 *R.* 40. § 5. *C.* 4. ext. *Ben.* 1795 *R* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 3. *C.* 6.

A. D. 1794 5. Tehsildars or Sezawuls, and their respective Mohurers and Moonshees, are to give security; and may be required by the Collector to give new securities, if he doubt the responsibility of the former sureties. *Beng.* 1794 *R.* 3. § 15. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 2. *C.* 1.

6. On the removal or resignation of such officer, the Collector shall give him an acquittance after he shall have delivered up his charge. *Beng.* 1794 *R.* 3. § 15. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 2. *C.* 1.

7. On the death of such officer, his surety is exonerated, and the Collector must sue the heir for any demand on the deceased. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 3.

8. If any such officer, on written requisition by the Collector, shall not deliver up the money or accounts in his possession by the limited time, the Collector may apprehend him, and the Judge shall detain him in custody till he comply: the Collector may also attach his property, or apply to other Collectors or to Judges of cities to attach the property if in other Zillas or cities; and the Board may order the property to be sold. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 3.

9. If such officer shall abscond, the Collector may proceed against his surety, or may apprehend the officer if within the limits of the Zilla; or, if not, and the Collector

should

should deem his attendance necessary, he shall apply to the Judge for him to be seized by any other Judge in whose Zilla or city he may have taken refuge. *Beng.* 1794 *R.* 3. § 17. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 4. A. D. 1794.

10. If an adjustment of accounts be wanted, and such officer shall not attend after being required by notice affixed in the Cuchery and at his last residence in the Zilla, the Collector shall prepare such statement, as he is able, of the money and papers in his possession, and proceed against the surety; or he may apprehend the officer, or apply for his apprehension: and, though upon subsequent inquiry in Court, no money or papers shall be proved against such officer, he shall not be entitled to damages. *Beng.* 1794 *R.* 3. § 18. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 5.

11. Such officer, if apprehended, may be released on giving further security to sue the Collector in fifteen days contesting the demand; and any property, which may have been attached, if not sold, shall be released. *Beng.* 1794 *R.* 3. § 19. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 6.

12. Or he may, while in confinement, sue the Collector. *Beng.* 1794 *R.* 3. § 20. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 7.

13. The Collector is to appoint a Vakeel of the Court to defend such suits under the rules of Regulation 14 of 1793. *Beng.* 1794 *R.* 3. § 21. ext. *Ben.* 1800 *R* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 8.

14. Which are also applicable to suits brought by the Collector against the heirs of a deceased officer. *Beng.* 1794 *R.* 3. § 16. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 33. § 3.

15. Any Pottahdar, proving oppression against the Amil, shall have the option of becoming Huzooree. *Ben.* 1795 *R.* 2. § 19. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 11. A. D. 1795

16. The Police of the country in Benares is subject to the control of the Magistrates, and under the joint charge of the Tehsildars, landholders and farmers. *Beng.* 1795 *R.* 17. § 2. *Ced. Prov.* 1803 *R.* 35. § 2.

17. The Tehsildars are responsible in the first instance, and the landholders and farmers are responsible to the Tehsildars, for all thefts and robberies, except night robberies in roads and woods (unless it be proved, that, from previous information, they might have prevented them;) and for robberies upon travellers in inhabited places, if proved to be with their connivance or owing to their want of vigilance. *Beng.* 1795 *R.* 17. § 3. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 1.

18. Each Tehsildaree shall form a Police jurisdiction. *Beng.* 1795 *R.* 17. § 4. *Ced. Prov.* 1803 *R.* 35. § 4.

19.

A. D. 1795 19. If the Magistrate deem any Tehsildar unfit for the office, he shall report the grounds of his opinion to Government. *Ben.* 1795 *R.* 17. § 6. *Ced. Prov.* 1803 *R.* 35. § 6.

A. D. 1797 20. Prosecutions against Tehsildars for recovery of losses by theft and robbery, and by Tehsildars for indemnification, are to be in the Dewannee Adaulut. *Ben.* 1797 *R.* 8. § 2. *Ced. Prov.* 1804 *R.* 3. § 6. *C.* 1.

21. Tehsildars of places held Kham, are responsible, equally with other Tehsildars, for losses by theft and robbery. *Ben.* 1797 *R.* 8. § 3. *Ced. Prov.* 1804 *R.* 3. § 6. *C.* 2.

22. Tehsildars may be employed by the Collector for the sale of stampt paper for money obligations, at an allowance of two Annas in each Rupee for their trouble and responsibility. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 6.

A. D. 1803 23. Tehsildars shall be appointed in the Ceded Provinces to collect the revenue from lands for which a settlement may not have been made with the proprietor, and such other lands as the Collectors may place under them. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 1.

24. Tehsildars are to be selected by the Collectors, but are not to be deemed actually appointed without the Board's sanction. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 2.

25. Each Tehsildaree shall in all practicable cases be not less than two Lacks, nor more than three Lacks; when a Collector may deem a larger trust expedient, he shall report it to the Board of Revenue for reference to Government. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 3.

26. The Collector shall be careful that Tehsildars be principals, and not Agents for their sureties, and do not hold more than one Tehsildaree. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 4.

27. Tehsildars shall be allowed eleven and half per cent on the gross collections, in consideration of which they are to defray all charges of collections, and to be answerable for balances and Tuccavee advances. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 5.

28. And to maintain an efficient Police, except in cities, towns and principal Gunjes. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 6.

29. They shall give security to be approved of by the Board in a sum equal to the largest Kist of the year. 1803 *R.* 27. § 2. *C.* 7.

30. And shall not be required to give any additional security under Regulation 33. *Ced. Prov.* 1803 *R.* 33. § 2. *C.* 2.

31. Shall be removable if in arrear to the amount of a whole Kist; report being first made to the Board. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 8.

32.

32. Shall make the usual Tuccavee advances at the proper periods, taking bonds at twelve per cent interest, which shall specify the number of Beghas, and be attested by the Chaudries, Canongoes and Mokuddums. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 9. A. D. 1803

33. All engagements concluded by them shall be in the name and on the part of Government. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 10.

34. Any person, proving to the Collector misconduct in the Tehsildar towards him, may, after reference to the Board, be admitted to pay his revenue direct to the Collector, on giving security: but the Collector shall be careful, that the authority of Tehsildars be not lessened on light grounds. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 11.

35. The rules of Sections 5 and 9, Regulation 5 of 1804, for the removal and appointment of native officers, extend to Tehsildars in charge of Police, who are not to be suspended except by order of Government, the Board of Revenue, or the Collectors; and nominations on vacancies shall be made by the Collectors, through the Board, to Government. *Ben. Ced. Prov.* 1804 *R.* 5. § 10. A. D. 1804

36. And Sections 15 to 18, extend to Tehsildars in charge of the collections in Bengal, Behar and Orissa. *Beng.* 1804 *R.* 5. § 19.

II. *DUTIES IN REGARD TO REVENUE.*

1. When lands, forfeited for resistance to Zilla Courts, are deemed too inconsiderable for the expense of an Ameen, the Court shall by precept to the Collector direct him to order the nearest Tehsildar, or other officer employed in the collections, to take charge of the land; and such officer shall perform the same duties, under the same penalties and restrictions, as prescribed to Ameens. *Beng.* 1793 *R.* 4. § 22. *Ben.* 1795 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 3. § 23. A. D. 1793

2. For resistance to Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 23. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 23. *C.* 8.

3. To the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 24. *Ben.* 1795 *R.* 10. § 6. *Ced. Prov.* 1803 *R.* 5. § 24.

4. If the lands of a defaulting landholder, or farmer, be too inconsiderable for the expense of an Ameen, the Collector shall commit them to the nearest Tehsildar, who shall perform the duties prescribed for Ameens, under the same penalties and restrictions. *Beng.* 1793 *R.* 14. § 6.

5. Or the estate of a defaulting landholder when ordered for sale. *Beng.* 1793 *R.* 14. § 25.

A. D. 1793 6. If the lands of a surety for a defaulting landholder or farmer, situated in any other Zilla, be thus inconsiderable, the Collector, to whom the arrear is payable, shall desire the Collector in whose Zilla the lands are situated, to commit them to the nearest Tehsildar or other officer employed in the collections; who shall perform the duties prescribed to the Ameen, under the same restrictions and penalties. *Beng.* 1793 *R.* 14. § 24. *Ben.* 1795 *R.* 6. § 30. *Ced. Prov.* 1803 *R.* 27. § 30. *C.* 2.

7. When lands are ordered for sale in execution of a decree, the Board of Revenue may direct the Collector to place them under the nearest Tehsildar or other Revenue officer. *Beng.* 1793 *R.* 45. § 5. *Ben.* 1795 *R.* 20. § 5. *Ced. Prov.* 1803 *R.* 26. § 19.

8. And the rules prescribed to Ameens, with regard to such lands, are equally applicable to the Tehsildar or other officer to whose charge the lands may be committed. *Beng.* 1793 *R.* 45. § 8. *Ben.* 1795 *R.* 20. § 8. *Ced. Prov.* 1803 *R.* 26. § 22.

9. The Tehsildar of an estate held Khas is to produce to the Ameen all required accounts and papers, in case the estate should be ordered for division. *Beng.* 1793 *R.* 25. § 29. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 59.

10. In the absence of the Cazee, or where no Cazee is stationed, the Tehsildar or other public officer shall perform the same duties in the sale of distrained property, under the same restrictions and penalties. *Beng.* 1793 *R.* 17. § 29. *Ben.* 1795 *R.* 45. § 27. *C.* 1. *Ced. Prov.* 1803 *R.* 28. § 27. *C.* 1.

11. Where no Cazee is stationed, the Collector shall commit the payment of pensions not exceeding fifty Rupees to the Tehsildar or other public officer. *Beng.* 1793 *R.* 24. § 16. *Ben.* 1795 *R.* 34. § 13. *Ced. Prov.* (not exceeding 100 Rupees) 1803 *R.* 24. § 14. *C.* 1.

A. D. 1794 12. Tehsildars and other officers of Government are to demand, by the same process which is prescribed for Collectors, payment of arrears due on land the revenue of which is payable to them; and, if the arrear be not liquidated at the limited period, shall report the amount to the Collector. *Beng.* 1794 *R.* 3. § 13.

A. D. 1795 13. The following restrictions were laid on Amils in Benares as Tehsildars: that they should be responsible for the regular realizing of the revenue, and abstain from laying any excess; that they should enforce the stipulations with the landholders and farmers, and cause them to issue Pottahs to the tenants; that they might lower when oppressive, but on no pretext enhance, the rates of 1187; that they should grant receipts for all payments of revenue on pain of a discretionary fine; that they should regulate by the custom of the Perguana, and account to Government for, the Tulubana on defaulters; that they should refrain from collecting any Sayer under penalty of

three

three times the amount; and that they should be responsible for maintaining the peace, and for thefts and robberies, with a right to indemnification from the Zemindar or farmer. *Ben.* 1795 *R.* 2. § 15. *C.* 1. A. D. 1795

16. They were further empowered to decide disputes between Zemindars &c. and the tenants, for revenue; and to refer causes of a civil nature, with consent of the parties, to arbitration. *Ben.* 1795 *R.* 2. § 15. *C.* 2.

17. And were forbidden purchasing the lands of any person in arrear of revenue; such purchases being declared null, and redeemable by the proprietor suing within five years, on repayment of purchase money with simple interest. *Ben.* 1795 *R.* 2. § 15. *C.* 3.

18. Amils were to be dismissed if they dispossessed a Pottahdar; and were to report the death of Pottahdars. *Beng.* 1795 *R.* 2. § 23.

19. The collection of the Amance lands was entrusted to the Amils; and it was ordered, that, from 1202, Tuskhees of those lands be ascertained by Ameens; and that all Pottahs granted by the Amils in the Amance lands, at less than the Pergunna rates, should be null and void. *Ben.* 1795 *R.* 2. § 27.

20. Tehsildars are to station Shanas or watchmen at the expense of the parties on the crops, unless security be given for the year's revenue before the ripening of the crops, or until it be given; each watchman shall have a Dustuk; and on the Dustuk is to be endorsed by the Serrishtadars the rate of allowance to the watchman: and a monthly list of these is to be sent to the Collector, who may reduce the allowance where exorbitant. *Ben.* 1795 *R.* 6. § 2. *Ced. Prov.* 1803 *R.* 27. § 2. *C.* 12.

21. Tehsildars are to issue Dustuks on non-payment of Kists; but not until due, whether monthly or half monthly. *Ben.* 1795 *R.* 6. § 3. *Ced. Prov.* 1803 *R.* 27. § 3.

22. If the arrear be not paid in five days, they shall proceed similarly against the surety. *Ben.* 1795 *R.* 6. § 10. *Ced. Prov.* 1803 *R.* 27. § 10.

23. And, after five days more, shall send the defaulter and surety to the Collector. *Ben.* 1795 *R.* 6. § 11. *Ced. Prov.* 1803 *R.* 27. § 11.

24. And, when ordered by the Collector, shall realize the defaulter's share of the crops till payment of the arrear. *Ben.* 1795 *R.* 6. § 14. *Ced. Prov.* 1803 *R.* 27. § 14. *C.* 1.

25. The Tehsildar shall in such cases collect the rents of the tenants according to the engagements, or according to the Talooka rates where no engagements exist, and shall not infringe the rights of the Puteedars. *Ben.* 1795 *R.* 6. § 15. *Ced. Prov.* 1803 *R.* 27. § 15. *C.* 1.

26.

A. D. 1795

26. Tehsildars are responsible for the revenue of the Mathukhulee lands, and for any deficiency arising from neglect, &c. in the Amanee lands; to which purport they are to give engagements; and they may be dismissed by the Collector with the Board's sanction, and prosecuted on their engagement during or after the year. *Ben.* 1795 *R.* 6. § 6. *Ced. Prov.* 1803 *R.* 27. § 6.

27. For Kists receivable from Tehsildars not paid on the 7th of the month, the Collector shall require payment by Dustuk, or letter to the party, or verbal information to his Vakeel; and, if not paid on the 15th, shall arrest the defaulter. *Ben.* 1795 *R.* 6. § 7. *Ced. Prov.* 1803 *R.* 27. § 7.

28. The Peons, serving processes of Tehsildars, are to be servants in monthly pay, and are to give security for good conduct; and their names and number, and occasional vacancies and appointments, are to be reported by the Tehsildar to the Collector, who shall furnish them with badges. *Ben.* 1795 *R.* 6. § 4. *Ced. Prov.* 1803 *R.* 27. § 4.

29. The Tehsildars shall send a monthly list of the Tulubana receipts to the Collector. *Ben.* 1795 *R.* 6. § 5 *Ced. Prov.* 1803 *R.* 27. § 5.

30. On a complaint against a Tehsildar for infraction of these rules, or for unnecessary severity in the execution of them, the Court shall serve on him a copy of the complaint and fix a day for his answer; which answer shall state the amount demanded, and, if the complainant do not dispute the demand, the cause shall stop: but, if the demand be disputed, and good security given for the arrear and growing demand, the Court may order the recal of the Dustuk: and, if on trial no arrear be found due, may release the party, and award costs and damages; or, if a part only be found due, may release him on payment of such part; and shall in either case take security from him to abide the event of an appeal, unless the Tehsildar decline to appeal or appeal not in time. *Ben.* 1795 *R.* 6. § 16. *Ced. Prov.* 1803 *R.* 27. § 16. *C.* 1.

31. If a landholder or farmer shall resist or evade the Tehsildar's process, the Tehsildar shall report it to the Collector, with the attestation of the Cazee and Serrishtadars; and the Collector shall thereon issue a summons requiring his appearance; and may, on inquiry into the case, commit him for not more than ten days, reporting it to the Board. 1795 *R.* 6. § 20. *Ced. Prov.* 1803 *R.* 27. § 20.

32. And notifying it through the Vakeel of Government to the Court. *Ben.* 1795 *R.* 6. § 21. *Ced. Prov.* 1803 *R.* 27. § 21.

33. If any misconduct appear in the Peon who served the process, or in the Tehsildar who issued it, they shall be dismissed, and all such cases are to be reported monthly to the Board. *Ben.* 1795 *R.* 6. § 22. *Ced. Prov.* 1803 *R.* 27. § 22.

34.

34. If any Brahmen in Benares should establish a Koorh, or be prepared to wound or kill his women or children, to prevent the serving of a Tehsildar's Dustuk for arrears of revenue, the Tehsildar shall suspend process and report the case to the Collector with the depositions of the Peons. *Ben.* 1795 *R.* 21. § 6. A. D. 1795.

35. The collection of Sayer revenue was prohibited to the Amils in Benares, under treble penalty, in the settlement of 1195. *Ben.* 1795 *R.* 4. § 2.

36. And in the settlement of 1196. *Ben.* 1795 *R.* 4. § 5.

37 And in the permanent settlement of 1197. *Ben.* 1795 *R.* 4. § 6.

38. Tehsildars and other public officers in charge of Khas or attached lands, and their Agents, if so commissioned, may distrain for the rents of the tenants by the summary mode allowed to landholders. *Beng.* 1799 *R.* 7. § 19. *Ben.* 1800 *R.* 5. § 18. *Ced. Prov.* 1803 *R.* 28. § 36. A. D. 1799.

39. Tehsildars are to require immediate payment with interest at one per cent per mensem, if an arrear be not liquidated on the first day of the ensuing month; such demand is to be made by the process prescribed in Section 3, Regulation 14 of 1793: and, if the arrear be not liquidated at the limited time, the Tehsildar shall report it to the Collector; or if he apprehend, that a defaulting farmer or his surety will abscond before he can make such report to the Collector, he may arrest them by the process directed in Section 5 of the same Regulation, and cause them to be immediately conveyed to the Collector. *Beng.* 1799 *R.* 7. § 23. *C.* 2.

40. Tehsildars, in charge of Khas or attached lands, may similarly arrest and convey to the Collector defaulting tenants whose absconding may be apprehended. *Beng.* 1799 *R.* 7. § 25.

41. The Collector is to nominate, for the approbation of the Board, Sezawuls, or other principal native officers to be employed in Khas or attached lands, with their sureties; and will be held responsible for the qualifications and character of the persons appointed. *Beng.* 1799 *R.* 7. § 30. ext. *Ben.* 1800 *R.* 5. § 27. *Ced. Prov.* 1803 *R.* 26. § 28.

42. The Collector may authorize Tehsildars to distrain, without waiting for his orders, the personal property of landholders and farmers, but under their personal responsibility for the justness of the demand and the regularity of proceeding. *Beh.* 1800 *R.* 5. § 22. *Ced. Prov.* 1803 *R.* 27. § 14. *C.* 2. A. D. 1803.

43. Sezawuls, &c. wilfully omitting a new village in the statements which they furnish to the Collector, will be liable to a fine in the discretion of Government. *Beng.* *Ben.* 1800 *R.* 8. § 20. *Ced. Prov.* 1803 *R.* 42. § 40.

A. D. 1797 17. C. 6. § 18. C. 2. § 20. C. 2. § 21. C. 2. § 24. C. 2. § 25. C. 2. R. 10. § 3. & 7. Ced. Prov. 1803 R. 43. § 13. C. 6. § 15. C. 2. § 18. C. 2. § 23. R. 40. § 25. C. 2.

17. The stamp affixed on pleadings is not to be taken as evidence of the value of the property claimed. *Beng. Ben.* 1797 R. 6. § 17. C. 8. *Ced. Prov.* 1803 R. 43. § 13. C. 7.

18. Nor is the stamp on an obligation for money, to be evidence of its validity or of the justness of the claim. *Beng. Ben.* 1797 R. 6. § 22.

19. The Courts may supply stampt paper for pleadings gratis to paupers, under the rules of Regulation 46 of 1793. *Beng. Ben.* 1797 R. 6. § 19. *Ced. Prov.* 1803 R. 43. § 16. C. 1.

Modified 1800 R. 7 § 16

20. Also for miscellaneous petitions, and for copies of the orders thereon, in cases of poverty, without observing the rules of the said Regulation. *Beng.* 1797 R. 10. § 13. *Ced. Prov.* 1803 R. 43. § 13. C. 8.

21. The Magistrates may remit payment of the stamp duty in cases of poverty, but the complaint shall be written on stampt paper. *Beng. Ben.* 1797 R. 10. § 9. *Ced. Prov.* 1803 R. 43. § 23.

Re-enacted 1800 R. 7 § 23

22. Charges, preferred to a Police officer, need not be on stampt paper: but if not withdrawn by Razeenama, they must be written on stampt paper when brought before the Magistrate. *Beng. Ben.* 1797 R. 10. § 8.

23. The Magistrate shall not hear any complaint, unless written on stampt paper. *Beng. Ben.* 1797 R. 10. § 6. *Ced. Prov.* 1803 R. 43. § 23.

24. The Magistrate may, if he judge proper, make the party complained against refund the stamp duty to the complainant. *Beng. Ben.* 1797 R. 10. § 10. *Ced. Prov.* 1803 R. 43. § 23.

25. Ruwanas for goods of ten Rupees value are to be on stampt paper, but not charged to the party. *Beng. Ben.* 1797 R. 10. § 14.

26. Also Maafee Ruwanas. *Beng. Ben.* 1797 R. 10. § 15.

A. D. 1800 27. Licenses to venders of intoxicating drugs are to be on stamps of different values, viz. 2 Rupees when the daily duty is 4 Annas, 4 Rupees when 8 Annas, 6 Rupees when 12 Annas, 10 Rupees when one Rupee. *Beng. Ben.* 1800 R. 6. § 6. *Ced. Prov.* 1803. R. 40. § 25. C. 1.

28. And the same for venders of fermented Taree. *Beng. Ben.* 1800 R. 6. § 11.

29. The stamps, ordered by Sections 16 and 21, Regulation 6 of 1779, for money and law papers, are to cease on the 30th September 1800. *Beng. Ben.* 1800 R. 7. § 2.

30.

30. Money obligations, whether bonds, promissory notes, bills of exchange &c. for any sum exceeding 16 Rupees, (except obligations from or to Government, and revenue obligations in Malguzaree lands,) are to be on stamps of 2 Annas as far as 64 Rupees, 4 Annas as far as 125 Rupees, 8 Annas as far as 250 Rupees, 1 Rupee as far as 500 Rupees, 2 Rupees as far as 1000 Rupees, 4 Rupees as far as 2000 Rupees, 8 Rupees above 2000 Rupees. *Beng. Ben.* 1800 *R.* 7. § 3. *C.* 1.

31. And acknowledgments for the receipt of money, with the above limitation and exception. *Beng. Ben.* 1800 *R.* 7. § 4. *C.* 1.

32. Law deeds and copies of law deeds are to be on stamps, from four Annas to two Rupees, according to the size of the paper. *Beng. Ben.* 1800 *R.* 7. § 5. *C.* 1.

33. Except contracts with Government. *Beng. Ben.* 1800 *R.* 7. § 5 *C.* 4.

34. The stamps shall have their description and value inscribed in the Persian, Bengal and Hindoostanee languages and characters. *Beng. Ben.* 1800 *R* 7. § 3. *C.* 2. & § 5. *C.* 2.

35. The party, bound to execute a deed, is to provide the stampt paper, unless the parties agree otherwise between themselves. *Beng. Ben.* 1800 *R.* 7. § 9.

36. Copies of judicial papers for record, or for transmission to other offices, need not be on stampt paper. *Beng. Ben.* 1800 *R.* 7. § 18. *Ced. Prov.* 1803 *R.* 43. § 15. *C.* 4.

37. Nor of revenue papers. *Beng. Ben.* 1800 *R.* 7. § 25.

38. Copies of decrees for the parties are to be on English paper stampt at the highest rate of Clause 2, Section 18, Regulation 6 of 1797. *Beng. Ben.* 1800 *R.* 7. § 17. *Ced. Prov.* 1803 *R.* 43. § 14. *C.* 5.

39. Copies of decrees for record are to be on English paper unstampt. *Beng. Ben.* 1800 *R.* 7. § 18.

40. Also copies of proceedings, in appeals to the King in Council. *Beng. Ben.* 1800 *R.* 7. § 19.

41. In appeals to the King in Council, the two copies for transmission to Europe shall be on stampt paper at the expense of the appellant (unless a pauper) who shall also defray the charge of making them: the copies taken by either party are also to be stampt; no other English proceedings of the Sudder Dewannee Adaulut need be stampt, unless furnished to a party at his request, or under any Regulation requiring it to be furnished. *Beng. Ben.* 1800 *R.* 7. § 19. *Ced. Prov.* 1803 *R.* 43. § 2.

A. D. 1800 42. The plaint in causes referred to Commissioners is to be on stampt paper: but the subsequent pleadings, after the reference, need not be stampt. *Beng. Ben.* 1800 *R.* 7. § 20.

43. Charges, punishable by Magistrates, when preferred to Police Darogh as, are to be on stampt paper of 8 Annas. *Beng. Ben.* 1800 *R.* 7. § 23. *Ced. Prov.* 1803 *R.* 43. § 23.

44. Petitions to Registers respecting the registry of deeds are to be on the stamps specified in Clause 9, Section 17, Regulation 6 of 1797; and copies of deeds furnished on application, are to be on law stamps specified in Section 5 of this Regulation. *Beng. Ben.* 1800 *R.* 7. § 24. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 8.

45. Petitions to the Board and Collectors are to be on stamps specified in Section 20, Regulation 4 of 1797, and shall not be received unstampt: but if any person prove his inability, the paper may be furnished him gratis. *Beng. Ben.* 1800 *R.* 7. § 25.

46. The Courts are not to admit, under Section 13, Regulation 10 of 1797, a plea of poverty, without some evidence in addition to the oath of the party. *Beng. Ben.* 1800 *R.* 7. § 16. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 8.

A. D. 1806 47. After one year, every instrument &c. required to be written on stampt paper, which shall be written on paper not authenticated as required in Sections 2 and 9, shall be considered as written on unstampt paper. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 10.

48. Parties are not precluded from making for their private use copies of judicial or revenue papers on unstampt paper; but such copies shall not be admissible as evidence. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 13.

II. *MODE OF ISSUING STAMPT PAPER.*

A. D. 1797 1. A stamp office is instituted at Calcutta. *Beng. Ben.* 1797 *R.* 6. § 12. *Ced. Prov.* 1803 *R.* 43. § 12.

2. Under a Superintendent subject to the Board of Revenue, and who shall take a prescribed oath before the Governor General in Council or any person authorized to administer it. *Beng. Ben.* 1797 *R.* 6. § 13. *Ced. Prov.* 1803 *R.* 43. § 1 .

3. Stampt paper is to be issued on the written application of the Courts, Boards and other competent officers. *Beng. Ben.* 1797 *R.* 6. § 14. *Ced. Prov.* 1803 *R.* 43. § 12.

4. After being first stampt at the Treasury. *Beng. Ben.* 1797 *R.* 6. § 26. *C.* 1. *Ced. Prov.* 1803 *R.* 43. § 19.

5. With the word "Treasury" in the Persian, Bengal and Hindoostanee languages and characters. *Beng. Ben.* 1797 *R.* 6. § 26. *C.* 2. *Ced. Prov.* 1803 *R.* 43. § 19.

6.

6. The Subtreasurer shall keep the Superintendent's memorandum of paper sent for stamping, in order to check his accounts. *Beng. Ben.* 1797 *R.* 6. § 26. *C.* 3. A. D. 179

7. The shape of the stamps and size of the paper may be occasionally varied by order of Government, but not the rate of duty without a Regulation. *Beng. Ben.* 1797 *R.* 6. § 15. *C.* 1.

8. And the paper for stamping is to be provided at the expense of Government, as the Board of Revenue, with the sanction of Government, shall direct. *Beng.* 1797 *R.* 6. § 15. *C.* 2.

9. The Board of Revenue is to recommend to Government the size of obligation paper, on report of the Collector. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 4.

10. The size of law papers, on report of the Cazees obtained by the Magistrates and transmitted through the Collectors. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 3.

11. The size of revenue papers. *Beng. Ben.* 1797 *R.* 6. § 20. *C.* 3.

12. And of Abearee licenses. *Beng. Ben.* 1797 *R.* 10. § 2.

13. The Sudder Dewannee Adaulut is to recommend the size of paper for pleadings. *Beng. Ben.* 1797 *R.* 6. § 17. *C.* 7.

14. For copies of judicial papers. *Beng. Ben.* 1797 *R.* 6. § 18. *C.* 3.

15. And for Cazees' and Vakeels' Sunnuds. *Beng. Ben.* 1797 *R.* 6. § 25. *C.* 1.

16. The Board of Trade is to recommend the size of paper for Ruwanas. *Beng. Ben.* 1797 *R.* 6. § 24 *C.* 3.

17. The Nizamut Adaulut is to recommend the size of paper for complaints before the Magistrates. *Beng Ben.* 1797 *R.* 10. § 6.

18. The Cazees are to apply to the Collectors for the necessary supply of law paper. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 4.

19. And are to supply their Mullas. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 5.

20. The Courts are to apply to the Superintendent of stamps for pleading paper. *Beng.* 1797 *R.* 6. § 17. *C.* 7. Modified 1800 R. 7 § 1.

21. And for judicial paper. *Beng. Ben.* 1797 *R.* 6. § 18. *C.* 3. ditto

22. The Collectors and Board of Revenue, for revenue paper. *Beng. Ben.* 1797 *R.* 6. § 20. *C.* 4.

23. The Collectors, for law paper. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 3.

24. On the voucher of the Cazee's application. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 4.

25. And obligation paper. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 5.

26.

A. D. 1797

26. And Abcarce licenſes. *Beng. Ben.* 1797 *R.* 10. § 4. *Ced. Prov.* 1803 *R.* 40. § 26.

27. The Collectors of Cuſtoms, for Ruwana paper. *Beng. Ben.* 1797 *R.* 6. § 24. *C.* 3.

28. The Sudder Dewannee Adaulut for Vakeel Sunnud paper. *Beng. Ben.* 1797 *R.* 6. § 25. *C.* 3. *Ced. Prov.* 1803 *R.* 43. § 18. *C.* 3.

29. And the Cazee-ul-Cuzat, for Cazee's Sunnud paper. *Beng. Ben.* 1797 *R.* 6. § 25 *C.* 4. *Ced. Prov.* 1803 *R* 43. § 18. *C.* 4.

30. Magiſtrates, for complaint paper *Beng. Ben.* 1797 *R.* 10. § 11.

Modified 1800 R. 7 § 10 & 12

31. Cazees are to be ſupplied by the Collectors with law papers for their expenditure, at an allowance of 3 Annas in each Rupee; and in conſideration thereof, their fees, allowed by Section 8, Regulation 39 of 1793, are aboliſhed. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 1.

ditto

32. And with obligation paper for ſale, at an allowance of 2 Annas on each Rupee. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 6.

ditto

33. Vakeels, Tehſildars and Commiſſioners, may be ſupplied with the latter for ſale on the ſame terms. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 6.

ditto

34. And any perſons may purchaſe a quantity at 14 Annas for each Rupee. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 7.

35. Vakeels are to be furniſhed by Courts with judicial paper, on their accounting for the ſame. *Beng.* 1797 *R.* 6. § 17. *C.* 10. *Ced. Prov.* 1803 *R.* 43 § 14. *C.* 2.

36. The Sunnuds to Vakeels ſhall not be delivered, nor the Vakeel permitted to act, till the duty be paid. *Beng. Ben.* 1797 *R.* 6. § 25. *C.* 3. *Ced. Prov.* 1803 *R.* 43. § 18. *C.* 3.

37. Nor the Sunnuds to Cazees. *Beng.* 1797 *R.* 6. § 25. *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 18. *C.* 4.

38. All collections under this Regulation are to be carried to the account of Government. *Beng.* 1797 *R.* 6. § 28. *Ced. Prov.* 1803 *R.* 43. § 21.

39. The Courts are to account for the ſtamp collections in ſuch manner as may be preſcribed. *Beng. Ben.* 1797 *R.* 6. § 25. *C.* 5. *Ced. Prov.* 1803 *R.* 43. § 18. *C.* 5.

40. The Accountant General ſhall concert with the Courts and Boards the beſt mode of keeping ſuch accounts. *Beng. Ben.* 1797 *R.* 6. § 29.

41.

41. The Collectors shall report to the Board, who shall submit to Government, samples of paper required for money obligations. *Beng. Ben.* 1800 *R.* 7. § 3. *C.* 3. A. D. 1800

42. Receipts for money. *Beng. Ben.* 1800 *R.* 7. § 4. *C.* 2.

43. And law papers. *Beng. Ben.* 1800 *R.* 7. § 5. *C.* 3.

44. The Collectors are authorized to employ Cazees, Tehsildars and other persons in the Pergunna, for the sale of stampt paper for money obligations and law deeds. *Beng. Ben.* 1800 *R.* 7. § 10. *Ced. Prov.* 1803 *R.* 43. § 14. *C.* 3.

45. And to keep them sufficiently supplied with stampt paper for sale. *Beng. Ben.* 1800 *R.* 7. § 12. *Ced. Prov.* 1803 *R.* 43. § 14. *C.* 3.

46. And an Agent at each Court for the sale of judicial paper, keeping them sufficiently supplied, and making them an adequate compensation for trouble and risk out of their own commission. *Beng. Ben.* 1800 *R.* 7. § 15. *Ced Prov.* 1806 *R.* 13. § 7.

47. They are to apply to the stamp office for a sufficient supply of stampt paper for obligations, receipts, and law deeds. *Beng. Ben.* 1800 *R.* 7. § 11.

48. For law pleadings and all other judicial paper. *Beng. Ben.* 1800 *R.* 7. § 13. *Ced. Prov.* 1803 *R.* 43. § 14. *C.* 1.

49. For decrees. *Beng. Ben.* 1800 *R.* 7. § 17. *Ced. Prov* 1803 *R.* 43. § 14. *C.* 1.

50. For revenue petitions. *Beng. Ben.* 1800 *R.* 7. § 25.

51. The Secretary of the Revenue Board may also apply for, and sell, revenue paper. *Beng. Ben.* 1800 *R.* 7. § 25.

52. The Collectors are to receive a commission of 10 per cent on the produce of stampt paper for obligations, receipts and law deeds sold by them or their Agents, as a compensation for their responsibility and for the expense of their Agents. *Beng.* 1800 *R.* 7. § 11.

53. And on the produce of all other stampt paper sold by them or their Agents. *Beng. Ben.* 1800 *R.* 7. § 15. *Ced. Prov.* 1803 *R.* 43. § 14. *C.* 4.

54. Also on the full amount of penalties recovered at their suit. *Beng. Ben.* 1800 *R.* 7. § 27. *Ced. Prov.* 1803 *R.* 43. § 26.

55. All other officers, suing for penalties, are entitled to the same commission. *Beng. Ben.* 1800 *R.* 7. § 27. *Ced. Prov.* 1803 *R.* 43. § 26.

56. Cazees are permitted again to receive the fees authorized by Section 8, Regulation 39 of 1793, abolished by Clause 1, Section 16, Regulation 6 of 1797. *Beng. Ben.* 1800 *R.* 7. § 12.

A. D. 1800 57. The Cazees are to deliver back to the Collectors, on the 30th September, all unfold paper under Regulation 6 of 1797, which the Collectors shall return to the stamp office. *Beng. Ben.* 1800 *R.* 7. § 12.

58. The Courts are to deliver to the Collectors all their paper on 30th April, taking a receipt which is to be sent to the stamp office. *Beng. Ben.* 1800 *R.* 7. § 14.

59. The Courts are to be supplied, on their receipts, with paper for paupers; such receipts are to be sufficient vouchers for the Collector's accounts: and if the pauper's costs be recovered, the stamp duty is to be paid to the Collector on his receipt. *Beng. Ben.* 1800 *R.* 7. § 16. *Ced. Prov.* 1803 *R.* 43. § 16, *C.* 2.

60. The Courts are also to be supplied, on requisition, with paper for copies of decrees and of orders which are required to be prepared and tendered; and the charge is to be levied and paid to the Collector's Agents when the decree or order is delivered to the party, or is to be enforced from the party if he should not attend to take it out: for copies the tender of which is not required, the parties must furnish the stampt paper. *Beng. Ben.* 1800 *R.* 7. § 17. *Ced. Prov.* 1803 *R.* 43. § 14 *C.* 5.

A. D. 1806 61. The Superintendent of the stamps, or any officer under him specially authorized by Government for the purpose, shall endorse his official signature and the date of authentication on the back of every stampt paper previously to issuing it. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 2.

62. Except Custom-house Ruwanas and Abcaree licenses, which are to be signed by the Collectors of Customs and Revenue respectively. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 3.

63. The Collectors are to give Sunnuds in a specified form, to all agents employed by them for the sale of stampt paper. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 4.

64. The Secretary to the Board of Revenue, and any other public officer entrusted with the disposal of stampt paper, shall give similar Sunnuds to the Agents employed by them. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 5.

65. In case of the death, removal or resignation of such Agent, the officer, who granted the Sunnud, shall be careful to recal and cancel it. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 5.

66. A list of such Agents shall be sent by the Collectors to the Courts, and affixed in their own and the Perguna Cucheries, within three months; and any alteration in such appointments shall be notified to the Court without delay. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 6.

67.

67. The Collectors or other public officers, entrusted with the sale of stampt paper, and their respective Agents, shall attest with their signature, and the date of authentication and the word "sold," on the back of each stampt paper. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 9. A. R. 1806

68. Before the expiration of one year, the Collectors shall procure from the Superintendent a sufficient supply of paper so authenticated; and at the expiration of one year, shall return to him all paper not so authenticated which may remain. *Beng. Ben. Ced. Prov.* 1806 *R.* 13. § 11.

III. *PENALTIES.*

1. Cazees &c. attesting any law deed or copy not stampt, are to be dismissed; and public officers are to report all contraventions to Government, or to the respective Boards, that the offenders may be dismissed accordingly. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 6. A. D. 1797

2. The same in the case of Registers & other officers of Courts filing any unstampt pleading. *Beng. Ben.* 1797 *R.* 6. § 17. *C.* 11. *Ced. Prov.* 1803 *R.* 43. § 13. *C.* 9.

3. Or furnishing any unstampt copy. *Beng. Ben.* 1797 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 15. *C.* 3.

4. Or Collectors, or officers under a Collector or the Board, furnishing any unstampt copy. *Beng. Ben.* 1797 *R.* 6. § 20. *C.* 5.

5. Or officers of the Customs issuing unstampt Ruwanas. *Beng. Ben.* 1797 *R.* 6. § 24. *C.* 4.

6. Also Collectors issuing unstampt licenses for spirituous liquors. *Beng. Ben.* 1797 *R.* 10. § 5. *Ced. Prov.* 1803 *R.* 40. § 27.

7. Liquor venders, vending without a stampt license, are liable to all penalties of unlicensed venders. *Beng Ben.* 1797 *R.* 10. § 5. *Ced. Prov.* 1803 *R.* 40. § 27.

8. Deeds, or copies of deeds attested by a Cazee, if unstampt, shall not be received in any Court, or by any Board or Collector &c. till a penalty shall have been paid of ten times the stamp. *Beng. Ben.* 1797 *R.* 6. § 16. *C.* 6. Modified 1800 R. 7 § 6

9. Nor copies of judicial papers. *Beng. Ben.* 1797 *R.* 6. § 18. *C.* 4. *Ced. Prov.* 1803 *R.* 43. § 15. *C.* 3.

10. Nor of revenue papers. *Beng. Ben.* 1797 *R.* 6. § 20. *C.* 5.

11. Nor obligations for the payment of money. *Beng. Ben.* 1797 *R.* 6. § 21. *C.* 3. ditto

12. In particular cases the penalty may be reduced to not less than double the duty. *Beng. Ben.* 1797 *R.* 6. § 23. *C.* 3. *Ced. Prov.* 1803 *R.* 43. § 17. *C.* 3.

13.

SUSPENSION FROM OFFICE.

A. D. 1793

1. The Board of Revenue may suspend from office, reporting it to the Governor General in Council, any officer under them when called upon to explain and justify his conduct. *Beng.* 1793 *R.* 2. § 31. *C.* 2. ext. *Ben.* 1795 *R.* 5. § 27.

2. The Sudder Dewannee Adaulut may suspend from office, reporting it to the Governor General in Council, any Judge of a Provincial Court of Appeal or of a Zilla or City Court wilfully disobeying, or neglecting to obey, or making a false return to, a process of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 13. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 13.

3. And the Judge of a Zilla or City Court for disobedience or false return to a process of a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 15. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 15.

4. The Governor General in Council will suspend from the Company's service any Judge of a Provincial Court of Appeal or of a Zilla or City Court convicted of corruption. *Beng.* 1793 *R.* 6. § 8. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 8.

5. And any ministerial officer of a Court, being a covenanted servant of the Company, similarly convicted. *Beng.* 1793 *R.* 13. § 9. *C.* 9. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 9.

6. Pleaders in the Civil Courts, convicted of promoting litigious suits, of frauds or misbehaviour, though not relating to any suit, are to be suspended; and the Court shall report, within a month, the grounds of suspension to the Sudder Dewannee Adaulut, who may fine him and allow him to resume his practice or dismiss him from office. *Beng.* 1793 *R.* 7. § 17. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 16.

7. And for wilfully delaying their client's suit for their own advantage. *Beng.* 1793 *R.* 7. § 18. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 17.

8. And for demanding or accepting from their clients, any fee or valuable consideration for pleading their causes, besides the fee allowed. *Beng.* 1793 *R.* 7. § 19. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 18.

9. And for incapacity, or any act which subjects them to dismission. *Beng.* 1793 *R.* 7. § 22. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 21.

10. The Governor General in Council will suspend from office, pending the inquiry, a law officer charged with corruption or extortion, whenever deemed expedient. *Beng.* 1793 *R.* 12. § 8. *C.* 7. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803 *R.* 11. § 8. *C.* 7.

11.

11. Or any ministerial officer of a Court, being a covenanted servant of the Company. *Beng.* 1793 *R.* 13. § 9. *C.* 9. ext. *Ben.* 1795 *R.* 12. § 8. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 9. A. D. 1793

12. And the Court, trying such a charge against a native ministerial officer, may similarly suspend him. *Beng.* 1793 *R.* 13. § 9. *C.* 8. ext. *Ben.* 1795 *R.* 12. § 8. *Ced. Prov.* 1803 *R.* 12. § 12. *C.* 8.

13. Magistrates may suspend from office Police Daroghas, reporting the grounds to the Governor General in Council, and appointing a person to act pro tempore, if deemed unqualified from incapacity or misconduct. *Beng.* 1793 *R.* 22. § 6. *Ced. Prov.* 1803 *R.* 35. § 24.

14. The same rule is applicable to Kotwals and Daroghas of cities. *Beng.* 1793 *R.* 22. § 28.

15. And for not inserting truly in their monthly reports every person apprehended, and every official act done by them. *Beng.* 1793 *R.* 22. § 21.

16. The Governor General in Council will, if he deem it proper, dismiss Tehsildars for such neglect. *Ben.* 1795 *R.* 17. § 19. *Ced. Prov* 1803 *R.* 35. § 20. A. D. 1795

17. The Nizamut Adaulut may suspend Judges of Circuit Courts, and Zilla or City Magistrates, for disobedience, neglect, or false return to processes of the Nizamut Adaulut; and Zilla or City Magistrates for disobedience, neglect, or false return to any process of a Circuit Court. *Beng. Beng.* 1801 *R.* 2. § 14. *Ced. Prov.* 1803 *R.* 8. § 24. A. D. 1801

18. When the head native officer of any department under Government is deemed guilty of some gross misconduct, the authority under which he is placed may suspend him from office, and appoint a person to act in his place till the orders of the Governor General in Council can be obtained. *Beng. Beng. Ced. Prov.* 1804 *R.* 5 § 6. A. D. 1804

19. And any native officer, receiving a monthly salary of 10 Rupees and upwards in any department under the Sudder Dewannee and Nizamut Adauluts, the Boards of Revenue and Trade; and such suspensions and nominations shall be immediately notified to those Courts or Boards respectively. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 16.

20. But Tehsildars in Benares and the Ceded Provinces, vested with the charge of Police, shall not be liable to suspension except by order of the Governor General in Council or Board of Revenue or Collector. *Ben. Ced. Prov.* 1804 *R.* 5. § 10.

21. All references, regarding the suspension of native officers of the mint at Furrokhabad receiving a monthly salary of 10 Rupees and upwards, shall be made by the Mint A. D. 1805

and

A. D. 1805 and Assay Master to the Mint Committee, who shall act as is prescribed for other subordinate authorities by Regulation 5 of 1804. *Ced Prov* 1805 *R* 11. § 4. *C.* 1.

22. The Mint Committee may direct the suspension of any native officer of the mint, although a previous reference shall not have been made by the Mint and Assay Master, reporting to the Governor General in Council the proceedings and the officer's defence *Ced. Prov.* 1805 *R.* 11. § 4 *C.* 2.

TALOOKS.

I. *INDEPENDENT.*

A. D. 1793 1. Independent Talookdars are to be considered as actual proprietors of the lands composing their Talooks. *Beng.* 1793 *R.* 8. § 5. *C.* 1.

2 Independent Talookdars are—1st; such as obtained the proprietary right in the land by sale or gift from the actual proprietors, or at public sale under Sunnuds from the Khalsa. *Beng.* 1793 *R.* 8. § 5. *C.* 2.

3. 2d; Those whose Talooks were formed before the Zemindar, to whom they now pay revenue, or his ancestors, succeeded to the Zemindaree. *Beng.* 1793 *R.* 8. § 5. *C.* 3.

4. 3d; Or whose Talooks never were the property of the Zemindar to whom they now pay revenue. *Beng.* 1793 *R.* 8. § 5. *C.* 4.

5. 4th; Such as have succeeded to Talooks of the above descriptions by purchase, gift or inheritance. *Beng.* 1793 *R.* 8. § 5. *C.* 5.

6. 5th; Malguzaree Aymadars, holding under grants previous to the Company's Government, or granted since by the proprietors of the soil for a valuable consideration. *Beng.* 1793 *R.* 8. § 9.

7. All these shall hereafter pay their revenues direct to the Collector, or through a Tehsildar appointed for the purpose. *Beng.* 1793 *R.* 8. § 14.

8. They shall not pay any longer through the Zemindars. *Beng.* 1793 *R.* 8. § 13.

9. Nor shall the Zemindars be appointed Tehsildars to receive the revenues of such Talooks. *Beng.* 1793 *R.* 8. § 15.

10. The settlement of these Talooks is to be made so as to leave to the proprietors a provision of ten per cent including the produce of their private lands, if their Jumma shall appear to have been fixed below the Pergunna rates; and they may sue the Zemindar who fixed their Jumma, if they deem themselves aggrieved by its enhancement beyond the terms of his grant. *Beng.* 1793 *R.* 8. § 75.

11.

11. But such, as have paid a fixed Jumma during 12 years, shall not be liable to any increase. *Beng.* 1793 *R.* 8. § 76. A. D. 1793

12. Holders of resumed rent-free land exceeding 100 Beghas in any one grant made previous to 1st December 1790, shall be considered as independent Talookdars. *Beng.* 1793 *R.* 19. § 7.

13. And, if they agree to the revenue assessed, shall hold the land at a fixed rent for ever. *Beng.* 1793 *R.* 19. § 8.

14. For ascertaining what Talookdars are independent and what are dependent, the Collector shall merely decide on inspection of the title deeds, or by other proofs and documents, if there be no deeds, whether the tenure be such as is required for giving the actual property in the soil. *Beng.* 1793 *R* 8 § 11.

15. Either party, dissatisfied with the Collector's decision, may sue in the Zilla Court to prove or disprove the independent right *Beng.* 1793 *R.* 8. § 12.

16. All Talookdars, who consider themselves entitled to be separated from the Zemindars as independent, are to apply in writing to the Collector, within one year: and the Talooks of such as do not apply within a year shall be considered as dependent, and not entitled to separation; and no Talooks, constituted since the decennial settlement, are separable under Regulation 8 of 1793. *Beng.* 1801 *R.* 1 § 14. A. D. 1801

17 The settlement of Talooks included within large Zemindarees shall be made with the actual proprietors, if they shall be desirous of such separation or the Zemindar shall require it. *Ced. Prov* 1803 *R.* 27. § 53. *C.* 7. *Conq. Prov.* 1805 *R.* 9. § 10 *Cuttack* 1805 *R.* 12. § 4 *C.* 9. A. D. 1803

18. Zemindars, dissatisfied with such separation, and Talookdars dissatisfied with a refusal of separation, may sue for redress in a Court of Justice. *Ced. Prov.* 1803 *R.* 27. § 53. *C.* 8. *Conq. Prov.* 1805 *R.* 9 § 10.

II. *DEPENDENT.*

1. Dependent Talookdars are—1st; those whose title deeds specify, that they shall pay their revenue through the Zemindars. *Beng* 1793 *R.* 8. § 6. A. D. 1793

2. 2d; Those whose title deeds do not expressly transfer the property in the soil, provided they now pay their rents through the Zemindar. *Beng.* 1793 *R.* 8. § 7.

3. 3d; Jungulbooree Talookdars. *Beng.* 1793 *R.* 8. § 8.

4. 4th; Malguzaree Aymadars on Jungulbooree tenures. *Beng.* 1793 *R.* 8. § 9.

5. 5th; Mokurureedars, who hold on lease from the actual proprietor. *Beng.* 1793 *R.* 8. § 19.

A. D. 1798

6. These shall continue to pay their rents to the Zemindar. *Beng.* 1793 *R.* 8. § 6.

7. The Zemindar shall make a settlement with them for ten years; delivering to the Collector within three months, a record thereof, specifying their names, Talooks and Jumma. *Beng.* 1793 *R.* 8. § 48.

8. Nor shall the Jumma of a dependent Talook be fixed for a longer period than ten years, or renewed except in the last year of the lease. *Beng.* 1793 *R.* 44. § 2. *Ben.* 1795 *R.* 50. § 2. *Ced. Prov.* (unless the former lease be cancelled) 1803 *R.* 47. § 2.

9 But dependent Talookdars are not liable to increase, unless proved so by the custom of the country, or by the conditions of their tenures, or by having received abatements. *Beng.* 1793 *R.* 44. § 7. *R.* 8. § 51. *C.* 1. *Ced. Prov.* 1803 *R.* 47. § 6. *C.* 1.

10. And any exaction from them is to be punished by double forfeiture and costs. *Beng.* 1793 *R.* 8. § 51. *C.* 2. *Ced. Prov.* 1803 *R.* 47. § 6. *C.* 2.

11. Also Mokururreedars who have paid a fixed rent during twelve years; or, if the deed precludes an increase, though they may not have paid a fixed rent so long. *Beng.* 1793 *R.* 8. § 49. *Ced. Prov.* 1803 *R.* 30. § 12.

12. But these last are liable to enhancement of rent, if the estate be farmed or held Khas. *Beng.* 1793 *R.* 8. § 50.

13. All engagements with dependent Talookdars stand cancelled by the sale of the estate for the recovery of revenue arrears, except the Talookdars mentioned in Clause 1, Section 51, Regulation 8. *Beng.* 1793 *R.* 44. § 5. *Ben.* 1795 *R.* 50. § 5. *Ced. Prov.* 1803 *R.* 47. § 5.

14. But are not affected by a division of the estate. *Beng.* 1793 *R.* 44. § 3. *Ben.* 1795 *R.* 50. § 3. *Ced. Prov.* 1803 *R.* 47. § 3.

15. Nor by a private transfer of it; nor by the public sale of it, except for arrears of revenue. *Beng.* 1793 *R.* 44. § 4. *Ben.* 1795 *R.* 50. § 4. *Ced. Prov.* 1803 *R.* 47. § 4.

16. Zemindars are not prohibited selling or giving any of their lands as a dependent Talook. *Beng.* 1793 *R.* 44. § 6. *Ben.* 1795 *R.* 50. § 6. *Ced. Prov.* 1803 *R.* 47. § 7.

17. But the Jumma stipulated for it shall not be entered on the records, nor shall it affect the right of Government or the responsibility of the whole estate. *Beng.* 1793 *R.* 8. § 10. *Ced. Prov.* 1803 *R.* 25. § 37. *Conq. Prov.* 1805 *R.* 9. § 27.

18.

18. Holders of resumed rent-free land not exceeding 100 Beghas in any one grant made previous to 1st December 1790, shall be considered as dependent Talookdars. *Beng.* 1793 *R.* 19. § 6. A. D. 1793

19. And if they agree to the Jumma, shall hold the land as a dependent Talook at a fixed rent for ever. *Beng.* 1793 *R.* 19. § 9.

20. The Malguzaree and private lands are to be consolidated in the dependent Talooks, but not for the purpose of increasing the rents of the Talook. *Beng.* 1793 *R.* 8. § 40.

21. Government will enact, for the protection of the dependent Talookdars, such rules as may be deemed proper, and the Zemindar shall have no right to object to the payment of his assessment on that account. *Beng.* 1793 *R.* 1. § 8. *C.* 1. *Ben.* 1795 *R.* 27. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 1. *Conq. Prov* 1805 *R.* 9. § 25. *C.* 1.

22. The landholders are expected to behave with good faith and moderation towards their dependent Talookdars, and to enjoin the same conduct to their Agents. *Beng.* 1793 *R.* 1. § 7. *Ben.* 1795 *R.* 27. § 4. *C.* 2. *Ced. Prov.* 1803 *R.* 25. § 34. *Conq. Prov.* 1805 *R.* 9. § 24.

23. The rules regarding Puttwarees are equally applicable to the dependent Talooks. *Beng.* 1793 *R.* 8. § 62. *C.* 10. *Ced. Prov.* 1803 *R.* 29. § 3. *C.* 1.

24. Actual proprietors of land in Benares may sell, give, or otherwise dispose of any part of their land as a dependent tenancy, either Zemindaree or Puteedaree. *Ben.* 1795 *R.* 50. § 6. *Ced. Prov.* 1803 *R.* 47. § 7. A. D. 1795

25. Proprietors of resumed rent-free land not exceeding fifty Beghas shall hold the land as a dependent Putee at the fixed revenue for ever, if they agree to the assessment confirmed by the Board. *Ben.* 1795 *R.* 41. § 9.

26. Government will enact for the protection of dependent Puteedars such Regulation as may be deemed proper. *Ben.* 1795 *R.* 27. § 5. *C.* 1.

27. Dependent Talooks, or any other tenure which by the title deeds or established usage of the country is transferrible by sale, may be brought to sale, by application to the Dewannee Adaulut, in satisfaction of arrears of rent to the Zemindar. *Beng.* 1799 *R.* *R.* 7. § 15. *C.* 7. *Ben.* 1800 *R.* 5. § 14. *C.* 7. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 7. A. D. 1799

28. Dependent Talookdars shall register in the Zemindar's Cuchery all transfers of their Talooks, or of portions thereof, and all successions thereto; and shall obtain

the

A. D. 1799 the Zemindar's written consent to the distribution of the Jumma when necessary: without which consent the whole Talook will be responsible: the Zemindars are to include such transfers &c. in the record of the settlement with the dependent Talookdars, and deliver it annually or whenever required. *Beng.* 1799 *R.* 7. § 15. *C* 8.

A. D. 1803 29. Engagements with dependent Talookdars may be cancelled; and renewed for not more than ten years at any time, if by mutual consent and without fraud. *Ced. Prov.* 1803 *R.* 47. § 2. *C.* 3.

TENANTS.

A. D. 1793 1. Landholders &c. shall give the tenants a receipt for every payment of revenue, and a receipt in full on the complete payment: any refusal to give a receipt shall be punished in the Civil Courts by damages equal to double the payment. *Beng.* 1793 *R.* 8. § 63. *C.* 1.

2. And shall not collect the rents of absconding Rayats, from those who remain. *Beng.* 1793 *R.* 8. § 63. *C.* 2.

3. And shall adjust the instalments of the tenants according to the times of selling the crops; and may be sued for damages, if they do not conform to this Regulation. *Beng.* 1793 *R.* 8. § 64.

4. Rayats &c. interfering in matters of civil or criminal jurisdiction, are liable to a fine to Government, and to a suit for damages by the party injured. *Beng.* 1793 *R* 8. § 66.

5. Rayats may be assisted with advances for making or repairing embankments, reservoirs &c. *Beng* 1793 *R.* 33. § 8. ext. *Ben.* 1795 *R.* 46. § 2. *Ced. Prov.* 1803 *R* 44. § 8.

6. The tenants in estates attached for revenue arrears may sue the Ameen for infringing their leases and engagements; but must pay their rents according to the Perganna rates, where no engagements exist. *Beng.* 1793 *R.* 14. § 6.

7. And in estates attached for sale in execution. *Beng.* 1793 *R.* 45. § 7. *Ben.* 1795 *R.* 20 § 7. *Ced. Prov.* 1803 *R.* 26. § 21.

8. The tenants when their rent has been ascertained, are entitled to demand a Pottah; and on proof of its being refused, shall recover damages equal to their expense and trouble. *Beng.* 1793 *R.* 8. § 59. *Ced. Prov.* 1803 *R.* 30. § 11.

9. No European shall be accepted as security for a Rayat, by a Collector. *Beng.* 1793 *R.* 2. § 17. *Ben.* 1795 *R.* 5. § 17. *Ced. Prov.* 1803 *R.* 25. § 16. A. D. 1795

10. Nor by the Board of Revenue. 1793 *R.* 2. § 46.

11. Landholders, whose lands are sold for arrears, may sue the tenants of the estate for rents due up to the day of sale; or may transfer such rents to the new purchaser. *Beng.* 1793 *R.* 14. § 28. *Ben.* 1795 *R.* 6. § 34 *Ced. Prov.* 1803 *R.* 26. § 8.

12. Also when sold in execution. *Beng.* 1793 *R.* 45. § 15. *Ben.* 1795 *R.* 20. § 15. *Ced. Prov.* 1803 *R.* 26. § 8.

13. The landholders are expected to conduct themselves with good faith and moderation towards their tenants, and to enjoin the same conduct to their Agents. *Beng.* 1793 *R.* 1. § 7. *Ben.* 1795 *R.* 27. § 15. *Ced. Prov.* 1803 *R.* 25. § 34. *Conq. Prov.* 1805 *R.* 9. § 24.

14. All rules, affecting the rights or persons of the Rayats, when passed by Government, are to be printed and published. *Beng.* 1793 *R.* 41. § 2. *Ben.* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1. § 2.

15. The proprietor, or head person of each village, is to be responsible for the transmission and delivery, from village to village, of letters between Magistrates and Police Daroghas out of the Dawk road. *Beng.* 1793 *R.* 22. § 15.

16. Gomashtas, Rayats &c. are to afford every assistance, in the pursuit of criminals flying from justice or from one jurisdiction into another. *Beng.* 1793 *R.* 22. § 16. *Ben.* 1795 *R.* 17. § 15. *Ced. Prov.* 1803 *R.* 35. § 16.

17. Salt manufacturers, who hold land, are to pay their rent like other persons, with certain modifications as to processes against them. *Beng.* 1793 *R.* 29. § 18 to 20.

18. Also weavers belonging to the Company. *Beng.* 1793 *R.* 31. § 8. to 10 & 12.

19. Landholders, exacting more than the established rates of rent from opium Rayats, may be sued for damages in Civil Courts. *Beng.* 1793 *R.* 32. § 2. *C.* 24. Re-enacted 1799 R. 6 § 1

20. Europeans, holding mortgages of land, are not to have any concern in the management or collection of the rents. *Beng.* 1793 *R.* 38. § 4. *Ben.* 1795 *R.* 48. § 4. *Ced. Prov.* 1803 *R.* 19. § 4.

21. Tenants may sue landholders &c. for damages, for confining or corporally punishing them to enforce payment of rent. *Beng.* 1793 *R.* 17. § 28. *Ben.* 1795 *R.* 45. § 26. *Ced. Prov.* 1803 *R.* 28. § 26.

22. Landholders are not to make any engagement with the tenants contrary to the letter and meaning of the Regulations. *Beng.* 1793 *R.* 8. § 65.

A. D. 1793 23. Not in any specie other than Sicca Rupees. *Beng.* 1793 *R.* 35. § 21. *Ced. Prov.* 1803 *R.* 45. § 26.

24. Dewans of Collectors are not to lend money to Rayats &c. and such loans are not recoverable in a Civil Court.. *Beng.* 1793 *R.* 2. § 19. *Ben.* 1795 *R.* 5. § 19. *Ced. Prov.* 1803 *R.* 25. § 18.

25. Such loans by any civil servant in a judicial or revenue office are also prohibited, and are not recoverable. *Beng.* 1793 *R.* 38 § 2. *Ben.* 1795 *R.* 48 § 2. *Ced. Prov.* 1803 *R.* 19. § 2.

26. Government will enact Regulations for the protection of the cultivators of the soil; and the proprietor of the soil shall not be entitled, on this account, to object to the discharge of his rent. *Beng.* 1793 *R.* 1. § 8. *C.* 1 *Ben.* 1795 *R.* 27. § 5. *C.* 1. *Ced. Prov.* 1803 *R.* 25. § 35. *C.* 1. *Conq. Prov.* 1805 *R.* 9 § 25. *C.* 1.

27. Rayats &c. not attending when required by the Board of Revenue, may be fined; but personal attendance is not to be required, when the business can be transacted by a Vakeel. *Beng.* 1793 R. 2. § 33 ext. *Ben.* 1795 *R.* 5 § 29.

28. Sudder farmers, whose leases are annulled for resisting process of Zilla Courts, may sue the tenants &c. in the farm, for arrears of rent due while the lease was in force. *Beng.* 1793 *R.* 4. § 25. *Ben.* 1795 *R.* 8. § 7. *Ced. Prov.* 1803 *R.* 3 § 25 *C.* 1.

29. Or whose leases are annulled for resisting process of Provincial Appeal Courts. *Beng.* 1793 *R.* 5. § 25. *Ben.* 1795 *R.* 9. § 11. *Ced. Prov.* 1803 *R.* 4 § 25.

30. Or of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 26. *Ben.* 1795 *R.* 10. § 9. *Ced. Prov.* 1803 *R.* 5. § 26.

31. Or of Collectors. *Beng.* 1793 *R.* 14. § 20. *Ben.* 1795 *R.* 6. § 27. *Ced. Prov.* 1803 *R.* 27. § 27.

32. Or for recovery of arrears of revenue. *Beng.* 1793 *R.* 14. § 23.

33. Landholders shall revise, with their tenants, the Abwab, Mahtoot &c. and consolidate the whole by the end of the Bengal year 1198. *Beng.* 1793 *R.* 8. § 54. *Ced. Prov.* (by the end of 1215) 1803 *R.* 30. § 4.

34. Landholders, imposing any new Abwab, shall pay a penalty of three times the amount. *Beng.* 1793 *R.* 8. § 55. *Ced Prov.* 1803 *R.* 30 § 5.

35. Personal suits not exceeding 50 Rupees may be preferred before Munsifs, against persons bonâ fide tenants or cultivators of the soil, but not against merchants &c. who merely rent the land appropriated to their houses, shops &c. *Beng.* 1793 *R.* 40. § 5. *C.* 6. ext. *Ben.* 1795 *R.* 31. § 2.

36.

36. The Courts of Judicature are to appropriate one day or more, in each week, for the trial of suits between proprietors or farmers of land, and tenants, underfarmers &c. regarding rents, leases &c. *Beng.* 1794 *R.* 3 § 22. ext. *Ben.* 1800 *R.* 5. § 13. A. D. 179[illegible]

37. And may refer such suits to the Collector, for inquiry and report, directing the parties and witnesses to attend the Collector: and may confirm, set aside, or alter, the Collector's decision. *Beng.* 1794 *R.* 8. § 13. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1.

38. A notification of the Pottahs being ready for delivery, will entitle the landholder to recover his rents from the Rayats if they refuse or neglect to take them *Beng* 1794 *R* 4. § 5. *Ben.* 1795 *R.* 51. § 7.

39. Tenants, cultivating opium without apprising the Contractor, shall be liable to the penalty for illegally selling opium; and the Contractor may attach the crop of poppies. *Beng. Ben.* 1795 *R.* 53. § 3. *C.* 2. A. D. 1795 Modified 1799 R. 6 § 15

40. If the tenant of any landed property, capable of attachment, shall abscond from process on a criminal charge, and be advertised for, the land is to be attached on a precept of the Magistrate, by the Collector, who shall pay from the product the rent of the proprietor. *Beng. Ben* 1796 *R.* 11. § 4. *C.* 3 *Ced. Prov.* 1804 *R.* 3 § 4. *C.* 3. A. D. 1796

41. When the absentee attends, the attachment is to be withdrawn. *Beng. Ben.* 1796 *R.* 11. § 5. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 4.

42. But if he attend not in six months, Government, on report of the Magistrate, will give orders for the future disposal of the land. *Beng. Ben.* 1796 *R.* 11. § 6. *Ced. Prov.* 1804 *R.* 3. § 4. *C.* 5. A. D. 1799

43 Opium tenants, from whom more than the established rates shall have been exacted, may sue the landholder, farmer &c. for the exaction. *Beng. Ben.* 1799 *R.* 6. § 12.

44. Tenants, who shall cultivate opium unless for Government, are liable to the penalty of 4 Rupees per Seer: and the crop of poppies may be attached on account of Government. *Beng. Ben.* 1799 *R.* 6. § 15.

45. Tenants, making unfounded charges in a Criminal Court against the Zemindaree officers, are to be punished under Section 10, Regulation 9 of 1793; and tenants, causing them to be wantonly and without good cause summoned as witnesses in civil suits, shall be made, under Section 6, Regulation 4 of 1793, to defray fully their expense; and may be sued by the landholder &c. for any loss arising to him from such conduct. *Beng.* 1799 *R.* 7. § 12 *Ben.* 1800 *R.* 5. § 12. *Ced. Prov.* 1803 *R.* 28. § 38.

46.

A. D. 1799 46. If the tenure of an under farmer &c. be attached by the landholder for arrears, no more shall be collected from the cultivators than the defaulter might have demanded, except in cases of collusion. *Beng.* 1799 *R.* 7. § 15. *C.* 6. *Ben.* 1800 *R.* 5. § 14. *C.* 6 *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 6.

47. Tenants, who have merely a right of occupancy while they pay a certain rent, may be ousted by the landholder &c. if the rent payable by them be not liquidated within the current year; but may sue in the Dewannee Adaulut the landholder &c. or his Agent, for infringing any established rights. *Beng.* 1799 *R.* 7. § 15. *C.* 7. *Ben.* 1800 *R.* 5. § 14. *C.* 7. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 7.

48. The tenants may be summoned, and compelled to attend, by landholders, for any just purpose; and, if resisting, may be sued in the Civil Court for damages, and in the Criminal Court for breach of the peace; but they also may sue landholders &c. for any unjust exercise of such powers. *Beng.* 1799 *R.* 7. § 15. *C.* 8. *Ben.* 1800 *R.* 5 § 14. *C.* 8. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 8.

49. Ameens in charge of attached land shall collect the rents according to the Perguinna rates when the engagements are evidently collusive; the tenants of attached lands are forbidden from making any anticipated payments of rent to the landholder; nor shall credit be given for any such payments by the Ameen; nor for any payment to the landholder after proclamation of the attachment, until proclamation of its being withdrawn; but they may recover such payments from the proprietor. *Beng.* 1799 *R* 7. § 23. *C.* 3. *Ben.* 1800 *R.* 5. § 24. *Ced. Prov.* 1803 *R.* 27 § 15. *C.* 3.

50. The Collector in attached lands may recover the rents from the tenants by the same process by which proprietors and farmers are authorized to recover their rents. *Beng.* 1799 *R.* 7. § 19. *Ben.* 1800 *R.* 5. § 18. *Ced. Prov.* 1803 *R.* 28. § 36.

51. Or by the process laid down for the recovery of rents from Sudder farmers and their sureties. *Beng.* 1799 *R.* 7. § 25.

52. All disputes between purchasers of land at public sale and the under tenants are to be settled by the Civil Courts; but the purchaser at a public sale for revenue arrears, may, without previous application to the Courts, eject the under tenants whose leases are annulled by Section 5 of Regulation 44 of 179 , and who decline to renew them on the terms which the purchaser is authorized to require by the said Regulation and by Section 7, Regulation 4 of 1794 *Beng.* 1799 *R.* 7. § 29. *C.* 5. ext. *Ben.* 1800 *R.* 5. § 26. *Ced. Prov.* 1803 *R.* 26. § 11.

A. D. 1800 53. Obligations for the rent of land paying revenue to Government need not be on stampt paper. *Beng. Ben.* 1800 *R.* 7. § 3. *C.* 1.

54.

54. Nor acknowledgments for the receipt of such rent. *Beng. Ben.* 1800 *R.* 7. § 4. *C.* 1. A. D. 1800.

55. When the proprietors decline entering into engagements, or where there are no proprietors, a village settlement shall be made for three years with the Mokudums, Purdhans, or other respectable Rayats. *Ced. Prov.* 1805 *R.* 27. § 53. *C.* 9. *Conq. Prov.* 1805 *R.* 9. § 11 *Cuttack* 1805 *R.* 12. § 4. *C.* 10. A. D. 1818.

56. And when neither proprietors nor farmers tender suitable terms, a Khas settlement shall be made with the Rayats at five-eighths to Government and three-eighths to the Rayat in Polich lands, two-eighths to Government and six-eighths to the Rayat in Chunchur land, one-eighth to Government and seven-eighths to the Rayat in Banjur land: after one year Banjur land shall be deemed Chunchur, and after two years Polich; after one year Chunchur land shall be deemed Polich: the Nuzeranah shall be abolished, the Putwaree's wages be borne by the Rayats, and the Mufahut by Government; the crops shall be valued at the price of the day; and the Rayats shall engage that the cultivation shall not fall off, and that they will not undertake the cultivation of new lands, till that of the old lands be accomplished. *Ced. Prov.* 1803 *R.* 27. § 53. *C.* 14 *Conq. Prov.* 1805 *R.* 9. § 12.

57. Any Rayats in the Ceded Provinces, cultivating the poppy, shall be liable to a penalty of ten Rupees per Bigha when the poppy can be destroyed, or the opium if collected can be seized and confiscated, and to a penalty of sixteen Rupees per Begha where it cannot. *Ced. Prov.* 1803 *R.* 41. § 3.

58. And all Police Officers are required to attach such poppy and send the cultivator to the Judge, if he cannot give security for his appearance. *Ced. Prov.* 1803 *R.* 41. § 5.

THEFT.

1. The Magistrates are to apprehend thieves. *Beng.* 1793 *R.* 9. § 4. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 4. A. D. 1793.

2. The Police Officers shall apprehend them on a written charge being preferred, and send them in twenty-four hours to the Magistrate. *Beng.* 1793 *R.* 22. § 7. ext. *Ben.* 1795 *R.* 17. § 7. *Ced. Prov.* 1803 *R.* 35. § 7.

3. Persons, detected with stolen goods in their possession, may be apprehended by Police Officers without a written charge. *Beng.* 1793 *R.* 22. § 8. *Ben.* 1795 *R.* 17. § 8. *Ced. Prov.* 1803 *R.* 35 § 8.

4. Persons, committed for trial on charges of theft, shall not be admitted to bail. *Beng.* 1793 *R.* 9. § 7. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6. § 7.

A. D. 1793 5. Kotwals and Darogahs of cities are to patrole their wards without intermission from midnight till daylight; and the Jumadars from sunset to midnight. *Beng.* 1793 *R.* 22. § 29. *Ben.* 1795 *R.* 17. § 26.

6. Thieves, apprehended by Kotwals and Daroghas of cities, are to be taken the next morning before the Magistrate. *Beng.* 1793 *R.* 22. § 31. *Ben.* 1795 *R.* 17. § 29.

7. The power of Police Officers to accept of Razeenamas in complaints punishable by a Magistrate, does not extend to petty thefts. *Beng.* 1793 *R.* 22. § 12. *Ben.* 1795 *R.* 17. § 12. *Ced. Prov.* 1803 *R.* 35. § 12.

8. Magistrates may themselves decide on petty thefts unattended with aggravating circumstances, or not committed by persons of notorious bad characters; and on conviction may punish as far as 30 ratans or one month's imprisonment. *Beng.* 1793 *R.* 9. § 9 ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R* 6. § 9.

9. Where such a charge shall appear litigious, the Magistrate may punish the complainant by fine not exceeding 50 Rupees, or imprisonment for not more than 15 days *Beng* 1793 *R.* 9. § 10 ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced Prov.* 1803 *R.* 6 § 10.

10. If the Court of Circuit should deem any person to have been released or punished on insufficient grounds, they shall report the case with their opinion to the Nizamut Adaulut. *Beng.* 1703 *R.* 9 § 17. ext. *Ben.* 1795 *R.* 16. § 4. *C.* 1. *Ced. Prov.* 1803 *R.* 6 § 17.

11. Police Officers of Zillas are entitled to a reward of ten per cent on all stolen property which they may recover, provided the thieves be convicted: the Magistrate shall cause the property to be valued by competent persons, and shall sell a sufficient portion of it, if the owner omit to pay the reward. *Beng.* 1793 *R.* 22. § 18. ext. *Ben.* 1795 *R.* 17. § 17. *Ced. Prov.* 1803 *R.* 35. § 18.

12. And Police Officers of cities. *Beng.* 1793 *R.* 22. § 36. *Ben.* 1795 *R.* 17. § 33.

13. Village watchmen shall apprehend, and send to the Police Daroghas, all persons detected in the act of committing theft. *Beng.* 1793 *R.* 22. § 14. *Ben.* 1795 *R.* 17. § 14. *Ced. Prov.* 1803 *R.* 35. § 14.

14. Invalided Sepoys, charged with theft, shall be sent to the Magistrate; who is to proceed with them as with other persons similarly charged. *Beng.* 1793 *R.* 43. § 10.

A. D. 1795 15. Police Officers in Benares &c. shall receive ten Rupees reward for every thief apprehended by them, on his being convicted. *Ben.* 1795 *R.* 17. § 17. *Ced. Prov.* 1803 *R.* 35. § 18.

16. The Benares Tehsildars are responsible in the first instance, and landholders and farmers to the Tehsildars, for thefts committed within their limits except in woods

woods and open roads, and for thefts in inhabited places, whether they had notice or not of the owner's arrival, if the Magiſtrate ſhall be of opinion, that the theft was committed with their connivance or through their want of vigilance. *Ben.* 1795 *R.* 17. § 3. *Ced. Prov* 1803 *R.* 35. § 3. *C.* 1. A. D. 17[illegible]

17. Suits againſt Tehſildars and Amils in Benares &c. for loſſes by theft, and by them for indemnification, ſhall be tried in the Civil Courts. *Ben.* 1797 *R.* 8. § 2. *Ced. Prov.* 1804 *R.* 3. § 6. *C.* 1. A. D. 1797

18. Tehſildars of places held Kham are equally anſwerable with other Tehſildars, for loſſes by theft. *Ben.* 1797 *R.* 8. § 2. *Ced. Prov.* 1804 *R.* 3. § 6. *C.* 2.

19. When ſtolen property is ſtated to have been found upon priſoners, or in their houſes, the proſecutor and witneſſes, brought to give evidence thereupon, are to be carefully examined to its identity. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 5. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 4.

20. Stolen property, recovered and produced in Criminal Courts, may be reſtored to the lawful owner. *Beng. Ben.* 1797 *R.* 14. § 7. *Ced. Prov.* 1803 *R.* 7. § 39. *C.* 3.

21. Magiſtrates and Police officers are to uſe all diligence to recover ſtolen property; and the latter ſhall make ſtrict ſearch in any houſe, where, on the oath of the party or on other credible information, they ſuſpect ſuch property to be concealed. *Beng. Ben.* 1797 *R.* 14. § 7.

22. The Nizamut Adaulut may extend relief to perſons confined under indefinite ſentences of the Naib Nazim, of the Benares native Courts, or of the Circuit Courts, till reſtitution of ſtolen property or the value of it: individuals having claims on ſuch priſoners may prefer them to the Magiſtrates, who will report thereon to the Nizamut Adaulut; and the Nizamut Adaulut ſhall ſubmit the caſe with their ſentiments to the Governor General in Council. *Beng. Ben.* 1797 *R.* 14. § 2.

23. The Regulation for puniſhing robbery is not applicable to ſecret theft or larceny without open violence, whether accompanied with burglary, or ſimple theft from the perſon or houſe, unaccompanied with aggravating circumſtances. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 5 *C.* 1. A. D. 1803

24. But though the entry may have been without open violence, if any perſon ſhall, after having entered, be guilty of murder, or of any other criminal act of violence, in proſecution of the intention to commit theft, the parties convicted ſhall be liable to the ſame puniſhments which have been declared in Section 3 for robbery by open violence. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 5. *C.* 2.

25.

A. D. 1805 25. Police officers, guards, watchmen &c. convicted of clear and direct connivance at theft or larceny, shall be liable to suffer any punishment in the discretion of the Court of Circuit and Nizamut Adaulut, not exceeding the limitations specified in Clause 7, Section 2, and Clause 3, Section 7, Regulation 53 of 1803. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 6.

26. Zemindars, in charge of the Police in the Jungul Mehals, are authorized to apprehend persons found with stolen goods. *Beng.* 1805 *R.* 18. § 7. *C.* 11.

27. And if convicted of being directly or indirectly concerned in theft, or of having aided and assisted thieves or of receiving stolen property, shall forfeit their lands, which may be sold in the discretion of Government to make good the stolen property. *Beng.* 1805 *R.* 18. § 7. *C.* 17.

28. The Zemindars shall be responsible for property stolen in their estates, except on clear proof that the theft was not owing to their want of care; and they may be sued in the Civil Court for recovery of the amount. *Beng.* 1805 *R.* 18. § 7. *C* 18.

29. Landholders or farmers convicted of being concerned directly or indirectly in theft, or of aiding and abetting and being privy to it, shall be liable to the penalties of Section 3, Regulation 35 of 1803. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 8.

30. Landholders and farmers in Cuttack, though not constituted officers of Police, shall be bound to afford every assistance in the prevention of theft. *Beng.* 1805 *R.* 13. § 8.

31. Landholders in Cuttack, Malguzaree or Lakheraj, shall be prosecuted in the Criminal Courts, and punished according to law for connivance at theft. *Beng.* 1805 *R.* 13. § 9.

32. The Magistrate of Chandernagore and Chinsura may punish petty thefts, and larceny unaccompanied by violence or other aggravating circumstance, by corporal punishment not exceeding thirty ratans or imprisonment for one year, or a fine of two hundred Rupees commutable for a fixed period of imprisonment. *Beng.* 1805 *R.* 16. § 4.

33. Subject to the revision of the Court of Circuit and reference to the Nizamut Adaulut, under Section 17, Regulation 9 of 1793. *Beng.* 1805 *R.* 16. § 10.

TOLLS ON CANALS AND FERRIES.

A. D. 1806 1. A toll is to be levied on all boats passing through the Eastern canal, at four Annas per oar, on budgerows &c; four Annas per hundred Maunds, on empty boats, and boats laden with bricks, earthen ware, sand, earth and Soorkee; four Annas per boat, on small boats laden with articles of small value; one Rupee per hundred Maunds, on

baggage

baggage-boats and boats laden with grain, provisions, fire-wood &c. *Beng.* 1805 *R.* 18 § 2. *C.* 1. A. D. 1806

2. Two Rupees eight Annas per hundred Maunds, on boats laden with any other articles. *Beng.* 1806 *R.* 18. § 2. *C.* 2.

3. These tolls are to be collected by the Collector of Twenty-four Pergunnas. *Beng.* 1806 *R.* 18. § 2. *C.* 3.

4. A toll is to be levied on all boats passing through the Banka Nulla, Gewah Khal, Narainpoor Khal and Khojapoor Khal, at four Annas per oar, on Budgerows &c.; one Rupee one Anna per hundred Maunds, on boats laden with salt; four Annas per hundred Maunds, on empty boats of burthen; eight Annas per hundred Maunds, on baggage boats and boats laden with grain and earthen ware; one Rupee per hundred Maunds, on boats laden with any other article; two Annas per timber, on rafts of timber; four Annas per hundred bamboos, on floats of bamboos; two Annas per boat, on small boats proceeding to the markets near the banks of the Nulla. *Beng.* 1806 *R.* 18. § 11.

5. The tolls of the Banka Nulla, Gewah Khal and Narainpoor Khal are to be collected by the Salt Agent of Tumlook; and the tolls of the Khojapoor Khal by the Salt Agent of Hedgelee. *Beng.* 1806 *R.* 18. § 12.

6. The Board of Revenue is vested with the control over the collections of all the above tolls. *Beng.* 1806 *R.* 18. § 13.

7. Ferries are to be established at Calighat, Bansdunee, Guriya, Tetulberiya and Kholaberiya. *Beng.* 1806 *R.* 18. § 2. *C.* 4.

8. Toll shall be taken at the ferries, at the rate of five Gundas on a foot passenger; one Pun on a foot passenger with a load, and on every animal; two Puns on a bullock load; 4 Annas on a Palankeen with bearers; 8 Annas on a carriage. *Beng.* 1806 *R.* 18. § 2. *C.* 5.

9. Persons, who may choose to cross the Nullah in any other manner than by the ferry, shall not be prevented, nor be subject to any demand. *Beng.* 1806 *R.* 18. § 2. *C.* 6.

10. Boats, proceeding to the Sunderbuns, shall pass on the south west side of the canal; and, proceeding from the Sunderbuns, on the north east side. *Beng.* 1806 *R.* 18. § 7. *C.* 2.

11. Boats shall anchor in the bed of the canal; and no person shall be permitted to drive stakes into the bank within nine feet from the top of the slope. *Beng.* 1806 *R.* 18. § 7. *C.* 3.

A. D. 1806 12. No persons shall excavate earth within 100 feet of the bank. *Beng.* 1806 *R.* 18. § 7. *C.* 4.

13. No persons shall throw ballast or any solid substance into the canal. *Beng.* 1806 *R.* 28 § 7. *C.* 5.

14. Persons, infringing any of the above rules, shall be apprehended by the Police officers, or the officers in charge of the collections, and may be punished by the Magistrates of Twenty-four Pergunnas to the extent authorized for petty offences. *Beng.* 1806 *R.* 18. § 8.

15. If any boat sink in the canal, notice shall be given by the person in charge to the nearest Police officer, who shall proceed to the spot and adopt measures, under the instructions of the Magistrates, for the removal of the wreck. *Beng.* 1806 *R.* 18. § 9.

16. The Police officers shall report to the Magistrates all encroachments or impediments to the navigation, which it shall be the duty of the Magistrates to prevent. *Beng.* 1806 *R.* 18. § 10.

TRADE.

A. D. 1793 1. The Judges of the Zilla and City Courts are to take an oath, that they will not be concerned directly or indirectly in the purchase of any goods or commodities, for the purpose of remitting money to Europe, nor in any commercial transactions. *Beng.* 1793 *R* 3. § 3. ext. *Ben* 1795 *R.* 7. § 3. *Ced. Prov.* 1803 *R.* 2. § 13.

2. And the Judges of the Courts of Appeal. *Beng.* 1793 *R.* 5. § 2. ext. *Ben.* 1795 *R.* 9. § 2. *Ced. Prov* 1803 *R.* 4. § 2.

3. And the Registers to the Courts of Civil Judicature, their Assistants, and all ministerial officers of the Courts being covenanted servants of the Company. *Beng.* 1793 *R.* 13 § 3. *C.* 1. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 3. *C.* 1.

Expired 4. Also the Collector of Customs at Manjee. *Beng.* 1793 *R.* 42 §. 3. *C.* 2.

5. And at Calcutta. *Beng.* 1793 *R.* 42. § 21. *C.* 2.

6. The Board of Revenue, collectively and individually, are prohibited from being concerned directly or indirectly in trade, or in the purchase of goods for the purpose of remitting money to Europe, or in any house of agency, or in the management of any bank. 1793 *R.* 2. § 46.

7. No Collector, Assistant or Dewan shall directly or indirectly carry on any trade, or be concerned in any commercial transaction whatever; and the prohibition with regard to the Collector and his Assistants is to extend to the purchase, directly or indirectly, of any goods for the purpose of remitting money to Europe. *Beng.* 1793 *R.* 2. § 18. *Ben.* 1795 *R.* 5. § 18. *Ced. Prov.* 1803 *R.* 25. § 17.

8. A Commercial Resident is to be under the following restrictions in his private trade. *Beng.* 1793 *R.* 31 § 15. *C.* 1. *Ced. Prov.* 1803 *R.* 37. § 15. *C.* 1. ext. *Ben.* 1805 *R.* 4. § 2.

9. To provide the Company's demand before he provide any goods for himself. *Beng.* 1793 *R.* 31. § 15. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 15. *C.* 2. ext. *Ben.* 1805 *R.* 4. § 2.

10. To distinguish between the Company's provision and his own. *Beng.* 1793 *R.* 31. § 15. *C.* 3. *Ced. Prov* 1803 *R.* 37. § 15. *C.* 3. ext. *Ben.* 1805 *R.* 4. § 2.

11. To give such prices as the manufacturers may choose to deal at. *Beng.* 1793 *R.* 31. § 15. *C.* 4. *Ced. Prov.* 1803 *R.* 37. § 15. *C.* 4. ext. *Ben.* 1805 *R.* 4. § 2.

12. To make no use of his public influence for obtaining a preference over other dealers. *Beng.* 1793 *R.* 31. § 15. *C.* 5. *Ced Prov.* 1803 *R.* 37. § 15. *C.* 5. ext. *Ben.* 1805 *R.* 4. § 2.

13. To be subject, in disputes with manufacturers, to the same rules with private dealers. *Beng.* 1793 *R.* 31. § 15. *C.* 6. *Ced. Prov.* 1803 *R.* 37. § 15. *C.* 6. ext. *Ben.* 1805 *R.* 4. § 2.

14. To deal on his own stock, and not as agent on commission for others. *Beng.* 1793 *R.* 31. § 15. *C.* 7. *Ced. Prov* 1803 *R.* 37. § 15. *C.* 7. ext. *Ben.* 1805 *R.* 4. § 2.

15. To trade in no other person's name, directly or indirectly. *Beng.* 1793 *R.* 31. § 15 *C.* 8. *Ced. Prov.* 1803 *R.* 37. § 15. *C.* 8. ext. *Ben.* 1805 *R.* 4. § 2.

16. To resell no goods where he is stationed, but to consign the whole provision to some other place. *Beng* 1793 *R.* 31. § 15. *C.* 9 *Ced. Prov.*, 1803 *R.* 31. § 15. *C.* 9. ext. *Ben.* 1805 *R.* 4. § 2.

17. To state annually to the Board of Trade, who shall submit to Government their observations thereon, the amount invested or to be invested by him in private trade. *Beng.* 1793 *R.* 31. § 15. *C.* 10. *Ced Prov.* 1803 *R.* 37. § 15. *C.* 10. ext. *Ben.* 1805 *R.* 4. § 2.

18. Private traders, procuring from weavers in the Company's employ cloths wrought for the Company, knowing or having reason to know such cloths to be the right of the Company, shall on suit in the Civil Court be liable to equitable damages in addition to the cloth so obtained. *Beng.* 1793 *R.* 31. § 5. *Ced. Prov.* 1803 *R.* 37. § 5. ext. *Ben.* 1805 *R.* 4. § 2.

19. Suits between private traders and weavers are to be proceeded in, like other suits: but each engagement shall have preference according to its priority. *Beng.* 1793 *R.* 31. § 11. *Ced. Prov.* 1803 *R.* 37. § 11. ext. *Ben.* 1805 *R.* 4. § 2.

A. D. 1793 Modified 1801 R. 9 § 3

20. And, in executing decrees in favour of private traders, the claim of the Company shall be saved, which the Commercial Resident shall be called upon to prove before execution issue against a registered weaver: when such claim shall have been satisfied, execution may be made on his property, but his person shall not be liable. *Beng.* 1793 *R.* 31. § 12. *Ced. Prov.* 1803 *R.* 37. § 12. *C.* 1. ext. *Ben.* 1805 *R.* 4. § 2.

A. D. 1795

21. The Collector of Customs at Benares is to take the same oath, as the Collector of Customs at Manjee, not to be concerned in trade. *Ben.* 1795 *R.* 5. § 2. *C.* 2.

22. And the Collector of Customs at Calcutta. *Beng.* 1795 *R.* 39. § 3. *C.* 2.

A. D. 1801

23. The Collector of Calcutta town duties shall take an oath, that he will not be concerned, directly or indirectly, in the purchase of any goods or commodities for the purpose of remitting money to Europe, nor in any commercial transactions. *Beng.* 1801 *R.* 5. § 2. *C.* 2.

24. And the Collectors of Government duties. *Beng.* 1801 *R.* 11. § 4. *C.* 1. *Ced. Prov.* 1804 *R.* 11. § 11.

25. And of city duties. *Beng. Ben.* 1801 *R.* 10. § 3. *Ced. Prov.* 1805 *R.* 6. § 9.

26. The Judges of the Sudder Dewannee Adaulut are to take the same oath not to trade, as the Judges of the Courts of Appeal. 1801 *R.* 2. § 4.

27. The person of weavers in the Company's employ is not protected from arrest in execution of decrees in favour of private traders, if all just demands of the Company have been satisfied and no new advances taken. *Beng.* 1801 *R.* 9. § 3. *Ced. Prov.* 1803 *R* 37 § 12. *C.* 2.

A. D. 1805

28. If any civil covenanted servant, who shall have engaged in any commercial transaction, while not restricted therefrom, shall be subsequently appointed to an office in which he is prohibited from trading, the Governor General in Council may grant him an exemption from subscribing to that part of the oath whereby he is restricted from trading, for such period as may be judged reasonable for bringing his commercial concerns to a termination. *Beng. Ben. Ced. Prov.* 1805 *R.* 7. § 2.

29. Any servant, desirous to avail himself of this exemption, shall state to Government the nature of his commercial concerns and the place where conducted; and the Board of Trade, on a reference of this statement, shall report their opinion of the period deemed reasonable for adjusting such concerns, if the grant of such indulgence should appear indispensable. *Beng. Ben. Ced. Prov.* 1805 *R.* 7. § 3.

30. The nature of the concerns, the place where conducted, and the period allowed, shall be inserted in the oath. *Beng. Ben. Ced. Prov.* 1805 *R.* 7. § 4.

31. But this exception shall not be granted when the commercial concerns of such servant

vant are conducted in the same district or place to which the authority of his office extends; nor in any case where his official power might be improperly employed in aid of such concerns, or the continuance of such concerns would prove injurious to the service: in such case, the said servant shall either immediately relinquish such concerns or be removed from office. *Beng Ben Ced. Prov* 1805 *R* 7 § 5.

TRANSLATIONS.

1. All depositions and exhibits in Civil Courts, in any language besides Persian, Bengal or Hindoostanee, are to be translated into one of these three languages; and the translation is to be entered, as well as the original, on the record of the decree. *Beng.* 1793 *R* 18 § 10. ext. *Ben* 1795 *R* 18 § 2. A. D. 17

2 Civil Courts are to accompany with an English translation the copy of any decree transmitted to the Board of Revenue for execution by a sale of land *Beng.* 1793 *R.* 45 § 2. *Ben.* 1795 *R.* 20 § 2 *Ced Prov* 1803 *R.* 26 § 16

3. All papers in the Bengal languages, submitted by Magistrates to Courts of Circuit, are to be accompanied with a translation into the Persian language, which the officers of the Court of Circuit shall compare with the original. *Beng* 1793 *R* 9 § 16. *Ben* 1795 *R* 16 § 4. *C* 4 *Ced. Prov.* 1803 *R.* 6 § 16

4 English translations are to be sent by Courts of Circuit, with all trials referred to the Nizamut Adaulut, where the sentence is for death or imprisonment for life. *Beng* 1793 *R.* 9 § 47 ext. *Ben* 1795 *R.* 16 § 22. Re-enacted 1799 R. 20 §

5 Or where the prisoner is deemed by the Court deserving of capital punishment. *Beng* 1793 *R* 9 § 58 ext. *Ben.* 1795 *R* 16 § 22. ditto

6. Provincial Courts of Appeal are not to require from Zilla or City Courts translations of papers written in the country languages *Beng.* 1793 *R.* 5 § 31. ext. *Ben.* 1795 *R* 9 § 6 *Ced Prov* 1803 *R.* 4 § 31. Modified 1797 R. 10 §

7. But must furnish the Sudder Dewannee Adaulut with translations of all such papers. *Beng* 1793 *R* 6. § 30 ext. *Ben.* 1795 *R.* 10 § 2 *Ced. Prov.* 1803 *R.* 5. § 29 Modified 1801 R. 2 §

8. The Regulations of Government are to be translated into the Persian and Bengal languages by the Persian Translator of Government, or such other person as Government may appoint for the purpose, the Translator is to insert in the translations the marginal notes, the number and year of the Regulation, and the numbers of the Clauses and Sections. *Beng.* 1793 *R.* 41. § 15 *Ben* 1795 *R.* 1. § 4. *Ced. Prov.* 1803 *R.* 1 § 15

A. D. 1798 32. Petitions for rehearing of an unappealable cause, when transmitted to the Sudder Dewannee Adaulut, shall be accompanied by a translation. *Beng. Ben.* 1798 *R.* 21 § 2.

A. D. 1799 33. The record of a trial in the Circuit Courts for transmission to the Nizamut Adaulut, is to include Persian translations of all papers in any other language than Persian. *Beng. Ben.* 1799 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 7. § 41.

Modified 1801 R. 2 § 17 34. The English translation of such trials shall be made by the translator of the Nizamut Adaulut; who may, with the sanction of the Nizamut Adaulut, employ other persons to make them, paying them at the rate of Section 5, Regulation 19 of 1797; but he will be held answerable for the accuracy. *Beng. Ben.* 1799 *R.* 10. § 3.

A. D. 1800 35. The proceedings of Zilla Courts transmitted to the Sudder Dewannee Adaulut on complaints regarding the appointment of guardians, are to be accompanied by English translations. *Beng. Ben.* 1800 *R.* 1. § 7.

A. D. 1801 36. Translations, which may be required from any Court by the Sudder Dewannee or Nizamut Adaulut, are to be made by the Register and his Assistants, or by other persons employed, as authorized in Section 3, Regulation 10 of 1799. *Beng. Ben.* 1801 *R.* 2. § 17. *Ced. Prov.* 1803 *R.* 4. § 32.

37. Section 30, Regulation 6 of 1793, is repealed; and the Provincial Courts of Appeal are to furnish the Sudder Dewannee Adaulut with translations of only such papers as may be required by precept of the Court, or are expressly required by some Regulation. *Beng. Ben.* 1801 *R.* 2 § 18. *Ced. Prov.* 1803 *R.* 5. § 29.

38. Section 3, Regulation 19 of 1797, is rescinded; and Provincial Courts of Appeal shall not require Zilla and City Courts to furnish translations of any papers, unless required by the Sudder Dewannee Adaulut. *Beng. Ben.* 1801 *R.* 2. § 19. *Ced. Prov.* 1803 *R.* 4 § 31.

39. The Sudder Dewannee and Nizamut Adaulut need not send English translations of their proceedings to Government, except in cases of reference or in appeals to the King in Council. 1801 *R.* 2. § 16.

40. Translations on such occasions shall be made by the Register, or by persons employed under Regulation 19 of 1797. 1801 *R.* 2. § 17.

A. D. 1805 41. The Superintendent at Chandernagore and Commissioner at Chinsura, shall cause Regulation 1 of 1805, to be exactly translated into the French and Dutch languages, and to be published in the customary manner. *Beng.* 1805 *R.* 1. § 14.

42. Copies of decrees, in which Government may be one of the parties, when sent

to

to the Secretary of Government, are to be accompanied by English translations. *Beng. Ben. Ced. Prov.* 1805 *R.* 2. § 9. A. D. 1805

43. The translation of Regulation 3 of 1805, is to be read and proclaimed in the Cucheries of the Magistrates, Collectors, landholders and farmers, and at the several Police stations. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 7.

44. The translation of Regulation 8 of 1805, and of all other Regulations enacted for the Ceded and Conquered Provinces, shall be publickly read in the Cucheries of the several Judges, Munsifs, Tehsildars and Police Dareghas; and the native pleaders shall be required to take copies of them. *Ced. Prov.* 1805 *R.* 8. § 31. *Beng. Ben.* 1806 *R.* 11. § 12. *C.* 2.

45. The translations of Regulation 11 of 1806, are to be sent to all Police officers, landholders, farmers, Tehsildars and managers, for publication in their Cucheries. *Beng. Ben. Ced. Prov.* 1806 *R.* 11. § 11. A. D. 1806

46. The proceedings of a special commission, when referred to the Sudder Dewannee Adawlut, are to be accompanied by translations of all papers not in the English language. *Beng. Ben. Ced. Prov.* 1806 *R.* 8. § 15.

47. The Magistrates are to annex translations of all depositions &c. not in the English language, transmitted to the Governor General in Council, respecting any British subject committed by them for trial before the Supreme Court. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 2.

48. Or respecting a British subject sent in custody to Calcutta for commitment by the Justices of Calcutta. *Beng. Ben. Ced. Prov.* 1806 *R.* 15. § 3.

49. Or respecting any charge for a bailable offence, against a British subject. *Beng. Ben. Ced. Prov.* 1806 *R.* 15 § 5.

TRANSPORTATION.

1. Brahmens, sentenced to death in Benares, shall in lieu thereof be sentenced by the Nizamut Adaulut to transportation for life. *Ben.* 1795 *R.* 16. § 23. A. D. 1795

2. Nominally Brahmens, sentenced to death for burning any person in a Koorh. *Ben.* 1795 *R.* 21. § 7.

3. And for killing any woman or child in resentment of an injury against a third person. *Ben.* 1795 *R.* 21. § 9.

4. Brahmens, convicted in Benares of wounding any woman or child in resentment of an injury against a third person, shall be sentenced by the Court of Circuit to transportation, subject to the approval of the Nizamut Adaulut, *Ben.* 1795 *R.* 21. § 8.

A. D. 1797 Re-enacted 1803 R. 53 § 8

5. Convicts, sentenced to an imprisonment of seven years or upwards, for any crime of a heinous nature, may be transported by order of the Nizamut Adaulut; Magistrates are, at every jail delivery, to affix a proclamation to this effect at their Cucheries and at the Police Thanas; and Courts of Circuit are to report to the Nizamut Adaulut all instances wherein they deem the parties convicted proper objects of transportation. *Beng. Ben.* 1797 *R.* 4. § 10.

A. D. 1799 Rescinded 1803 R. 53 § 9

6. Convicts under sentence of imprisonment, who escape from jail and shall be reapprehended, may be transported by order of the Nizamut Adaulut, for the unexpired period of their sentences, or for a longer period: Magistrates shall report to the Nizamut Adaulut all cases of escape and reapprehension, with their proceedings and opinion whether the transportation should be extended beyond the original sentence. *Beng. Ben.* 1799 *R.* 2 § 5.

A. D. 1803

7. The transportation of convicts sentenced to inprisonment for a limited term of years is rescinded, and the reports of such convicts by Circuit Courts to the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 8. *C.* 1.

8. Transportation is restricted to convicts sentenced to imprisonment for life, and shall be awarded by the Court of Circuit or Nizamut Adaulut passing such sentence, on such prisoners as may be deemed proper objects of it. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 8. *C.* 2.

9. Magistrates of Zillas, after each jail delivery, and Magistrates of cities on the 1st January and 1st July, or when required by the Nizamut Adaulut, shall send to that Court a list of convicts sentenced to transportation. *Beng. Ben. Ced. Prov* 1803 *R.* 53 § 8. *C.* 4.

10. On receipt of such lists, the Nizamut Adaulut will give orders for the disposal of the convicts. *Beng. Ben. Ced. Prov.* 1803 *R* 53. § 8. *C.* 5.

11. The transportation of convicts reapprehended after escaping from jail is repealed. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 9. *C.* 1.

12. Convicts, transported subsequent to this Regulation, if convicted of returning without permission into any part of the Company's territory under the Presidency of Bengal, shall be adjudged to death. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 9. *C.* 2.

13. Convicts, under sentence of transportation, but not yet transported, may be banished under Clause 3, Section 8, if the Nizamut Adaulut should think them more proper objects of banishment than of transportation. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 10.

14. In gang robberies accompanied by wounding, maiming, or other aggravating act,

act, less than homicide, leaders of gangs, and all persons actively concerned in such acts, or present, aiding or abetting, or, though not present, procuring and causing such acts by preconcerted plan, shall be sentenced to transportation for life. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 2. A. D. 1803

15. And leaders and heinous offenders in gang robberies, unaccompanied by such acts of aggravation, or in violent attempts to commit robbery, if convicted of repetition, or on proof of bad character, and deemed deserving of it by the Nizamut Adaulut. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 4. *C.* 3.

16. Watchmen, guards and Police officers of every description, shall be liable to transportation for life on conviction of aiding and abetting in a robbery or attempt to rob, or of procuring and causing it by their counsel or command, if no person be killed, nor any other aggravating act committed. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 4. A. D. 1805

TREASON.

1. The Board of Revenue is to keep separate accounts of all expenses incurred in reducing rebellious Zemindars. 1793 *R.* 2. § 48. A. D. 1793

2. Persons amenable to the Courts of Circuit, if charged with treason, rebellion or other crime against the state, are to be tried before all the Judges of the Court, or before a special Court formed by order of the Governor General in Council. *Beng. Ben.* 1799 *R.* 4 § 2. *Ced. Prov.* 1803 *R.* 20. § 2. A. D. 1799

3. Magistrates are to give immediate notice to Government of any person being charged before them with any such crimes, and are to obey all orders of Government for the apprehension and commitment of such persons, and are to give their assistance for expediting the trials of such persons. *Beng. Ben.* 1799 *R.* 4. § 6. *Ced. Prov.* 1803 *R.* 20. § 6.

4. The trials on such charges, whether the sentence be for acquittal or conviction, are to be sent to the Nizamut Adaulut. *Beng. Ben.* 1799 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 20. § 3.

5. And the further proceedings of the Nizamut Adaulut, whatever be the sentence, are to be submitted to the Governor General in Council. *Beng. Ben.* 1799 *R.* 4. § 5. *Ced. Prov.* 1803 *R.* 20. § 5.

6. The trial of such crimes in such special Court is, in other respects, to be conducted in the same manner with other cases. *Beng. Ben.* 1799 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 20. § 3.

7. And in the Nizamut Adaulut. *Beng. Ben.* 1799 *R.* 4. § 5. *Ced. Prov.* 1803 *R.* 20. § 5.

A. D. 1799 8. But in points not provided for by the Regulations, the place for holding the Courts, and the persons to be tried, any special orders of the Governor General in Council and of the Nizamut Adaulat are to be obeyed. *Beng. Ben.* 1799 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 20. § 3.

A. D. 1804 9. During war with any native or other power, or during open rebellion against the authority of Government in any part of the territories under the Presidency of Fort William, the Governor General in Council may suspend, or direct any public officer to order the suspension of, the functions of the Criminal Courts of Judicature, and to direct the trial by Court Martial of all persons born or residing within the territories of the British Government if taken in arms in open hostility to the British Government, or in opposing by force of arms its authority, or in any overt act of rebellion against it, or in openly aiding its enemies, within any part of its territories. *Beng. Ben. Ced. Prov.* 1804 *R.* 10. § 2.

10. Such persons, if convicted of such crimes by a Court Martial during such suspension of the functions of the Courts of Judicature, shall suffer the immediate punishment of death, and shall forfeit all real and personal property possessed by them within the British territories at the time of the commission of the crimes. *Beng. Ben. Ced. Prov.* 1804 *R.* 10. § 3.

11. But such persons may, by order of the Governor General in Council, be tried by the ordinary Courts of Judicature, or by a special Court appointed under Regulation 4 of 1799. *Beng. Ben. Ced. Prov.* 1804 *R.* 10. § 4.

TRIAL.

I. *IN CIVIL CASES.*

A. D. 1793 1. Immediately after filing the rejoinder, or on a day to be fixed, with eight days notice to the parties, the trial is to be held. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 6.

2. But all causes shall be tried in the order of filing, unless the Court, for special reasons to be stated on the record, shall in particular cases direct otherwise. *Beng.* 1793 *R.* 4. § 19. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 20.

3. A cause paper with the days appointed for trial, is to be kept by the Register and fixed up in the Court seven days before the day of trial; and the Register shall, on the day fixed, call on the causes for trial in their order as entered on the cause paper. *Beng.* 1793 *R.* 4. § 19. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 20.

4. If the pleader retained in a cause be absent, the cause must be postponed, unless with consent of his client he commit the management to another pleader. *Beng.* 1793 *R.* 7. § 32. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 30.

5. No persons shall be heard in any stage of a cause except the parties or their authorized pleaders. *Beng.* 1793 *R.* 4. § 2. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 4.

6. Nor in an appeal before a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 22. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 22.

7. Or before the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 20. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 20.

8. The trial is to be either by the oaths of the parties if they mutually consent to that mode, or by the testimony of witnesses. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 6.

9. Attendance and evidence of recusing witnesses may be enforced by caption and fine not exceeding 500 Rupees, and imprisonment till they consent to give evidence, if it be proved on oath, that their testimony is material to the cause: the party, not defraying the expenses awarded by the Court to his witnesses, shall lose the benefit of their testimony; and may, after decision of the cause, be confined till he pay the witnesses. *Beng.* 1793 *R.* 4. § 6. ext *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

10. Witnesses are to be sworn, unless they be of a rank or cast which would make it improper to compel them to swear, in which case they shall subscribe a declaration. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

11. The testimony of witnesses is to be taken vivâ voce, in open Court, except female witnesses of a rank or quality which would make it improper to compel their appearance, who shall be examined, on written interrogatories delivered by the parties, by a commission of three creditable women, first sworn to the due execution of the trust; and except witnesses residing out of the Court's jurisdiction at a greater distance than 50 Cos, who shall be examined on written interrogatories delivered by the parties, by the Judge in whose jurisdiction they reside, at the requisition of the Court: unless the Court shall deem their personal attendance indispensable, in which case they shall be sent on requisition. *Beng* 1793 *R.* 4 § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

12. Depositions of witnesses shall be reduced into writing in a native language; and exhibits or written evidence are to be produced in Court; and, if disputed, must be duly

A. D. 1793 proved by witnesses: if any exhibit be rejected by the Court, the reason of its rejection shall be endorsed on it. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 9.

13. The trial of appeals and of original suits in Provincial Courts of Appeal, is to be according to the same rules, which are prescribed for Zilla and City Courts; except as to hearing evidence. *Beng.* 1793 *R.* 5. § 11. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 11.

14. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6 § 7. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 7.

15. Provincial Courts of Appeal are to possess the same authority for enforcing the attendance of recusing witnesses. *Beng.* 1793 *R.* 5. § 20. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 20.

16. Also the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 18. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 18.

17. And for dispensing with the oaths of witnesses, and for examining female witnesses by deputation, and distant witnesses by application to other Courts. *Beng.* 1793 *R.* 5. § 19. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 19.

18. Also the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 17. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 17.

19. When the parties have been heard, the witnesses on both sides examined, and the exhibits received, judgment shall be given according to justice and right, with costs. *Beng.* 1793 *R.* 4 § 7. ext. *Ben.* 1795 *R.* 8. § 6. *Ced. Prov.* 1803 *R.* 3. § 9.

20. But, if a defendant shall not appear, or shall refuse to give answer, or shall make other default, or admit the truth of the plaintiff's bill of complaint; the Court, on examining the allegations of the plaintiff only, and the depositions of his witnesses, shall give judgment in the same manner, as if the defendant had appeared, answered, and entered into proof. *Beng.* 1793 *R.* 4. § 11. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 13.

21. Or a defendant, after giving security for his appearance. *Beng.* 1793 *R.* 4. § 12. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 14.

22. Or a female defendant summoned though her head native servant. *Beng.* 1793 *R.* 4. § 13. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3 § 15.

23. Appeals in Provincial Courts of Appeal may also be tried ex parte, if the parties make default. *Beng.* 1793 *R.* 5. § 17. ext. *Ben.* 1795 *R* 9 § 6. *Ced. Prov.* 1803 *R.* 4. § 17.

24.

24. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 15. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 15.

25. Suits, in which Government is one of the parties, are to be tried under the same rules which are prescribed for the trial of suits between individuals. 1793 *R.* 3. § 11. ext. *Ben.* 1795 *R.* 7. § 7. *Ced. Prov.* 1803 *R.* 2. § 15.

26. In suits for dispossession from land or crops, the Court is merely to take proof of the possession of the plaintiff without inquiring into the merits of the claim of the dispossessor. *Beng.* 1793 *R.* 49. § 3. ext. *Ben.* 1795 *R.* 14. § 2. *Ced. Prov.* 1803 *R.* 32. § 3.

27. In suits before the Court of Wards, against guardians or managers of disqualified landholders, the Collector may be ordered by the Court to inquire and report; but he shall not pass judgment: the Court of Wards and Collector shall apply to the Civil Court for summoning persons whose attendance may be required on such suits and inquiries, and are empowered to swear them. *Beng.* 1793 *R.* 10. § 32. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 36. *C.* 2.

28. Suits, concerning rent and distress for rent, are to be heard and determined previous to any other suits depending. *Beng.* 1793 *R.* 17. § 34. *Ben.* 1795 *R.* 45. § 32. *Ced. Prov.* 1803 *R.* 28. § 31.

29. Also suits between the opium Contractor or his Agents, and the opium tenants. *Beng.* 1793 *R.* 32. § 2. *C.* 12.

30. And suits of persons engaged in the salt manufacture. *Beng.* 1793 *R.* 29. § 22. *C.* 10.

31. And suits for the exaction of unauthorized taxes or Sayer duties shall be heard and decided within ten days from filing the plaint, or as soon after as possible. *Beng.* 1793 *R.* 27. § 11. *Ced. Prov.* 1804 *R.* 11. § 54. 1805 *R.* 6. § 36.

32. If a plaintiff should neglect to proceed during six weeks, his suit is to be dismissed except on good cause shown; and the reason for dismissing or retaining the suit shall be recorded. *Beng.* 1793 *R.* 4. § 10 ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 12.

33. The same rule for defaulting appellants in Provincial Courts of Appeal. *Beng.* 1793 *R.* 5. § 21. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 21.

34. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 19. ext. *Ben.* 1795 *R.* 10 § 2. *Ced. Prov.* 1803 *R.* 5. § 19.

35. In suits concerning inheritance, or any other religious usage, the law of the

A. D. 1793 parties shall be abided by, and the law officers are to attend in Court to expound the law. *Beng.* 1793 *R.* 4. § 15. *Ced. Prov.* 1803 *R.* 3. § 16. *C.* 1.

36. The question of law is to be propounded on a written statement of facts, signed by the Judge, with a blank for the law officer's opinion. *Beng.* 1793 *R.* 4. § 16. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 17.

37. Courts are enjoined not to allow a report of any matter of fact to be made in a cause by any person, unless specially authorized by a Regulation. *Beng.* 1793 *R.* 4. § 16. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 17.

38. Except a local investigation should be deemed proper in suits concerning land, houses, or their limits; in which case an Ameen shall be deputed, duly sworn to make a true report without fee or reward from either party: his reasonable charges shall be allowed by the Court, and added to the costs payable by the losing party; his report is to be delivered under his signature on a day to be limited in his commission, and shall be received as evidence to no other matter than what he was ordered to investigate. *Beng.* 1793 *R.* 4. § 17. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 18.

39. Further evidence may be received in the trial of appeals, if the Provincial Appeal Court should be of opinion that the cause has not been sufficiently investigated on the original trial. *Beng.* 1793 *R.* 5. § 18. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 18.

40. And in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 16. ext. *Ben.* 1795 *R.* 10 § 2. *Ced Prov.* 1803 *R.* 5. § 16.

41. The trial of suits referred to native Commissioners, is to be by hearing the pleadings and examining the documents of the parties, and by taking the depositions of the witnesses in presence of the parties or their Vakeels, and in all respects according to the rules for trying suits in Civil Courts as far as circumstances may admit. *Beng* 1793 *R.* 40. § 9. *C.* 11. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 11.

42. Commissioners are to try suits themselves, and not suffer their officers, servants or dependants to interfere. *Beng.* 1793 *R.* 40. § 9. *C.* 16. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 16.

A. D. 1794 43. Informations for illegal manufacture or sale of liquors are to be tried summarily. *Beng.* 1794 *R.* 1. § 7. ext. *Ben.* 1795 *R.* 47. § 10. *Ced. Prov.* 1803 *R.* 40. § 34.

44. Suits between Government and landholders for public dues, and between landholders and tenants for rent, are to be tried on one day or more appropriated to the purpose; and other descriptions of causes are to be tried on separate days. *Beng.* 1794 *R.* 3. § 22. ext. *Ben.* 1800 *R.* 5. § 13.

45.

45 In suits for rent, wherein neither Government, nor the Collector, nor a public nor private servant of the Collector, is concerned, any accounts requiring adjustment may be referred to the Collector for his report, by a precept from the Court, specifying the accounts, and elucidatory papers referred, and fixing a time for making the report; the parties or their Vakeels, and their witnesses, may be commanded to attend the Collector, who may be empowered to swear the witnesses and the parties if they agree to it. *Beng.* 1794 *R.* 8. § 13. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. A. D. 1794

46. The trial of suits referred to a Register is to be conducted under the same rules which are prescribed for a Judge. *Beng.* 1794 *R.* 8. § 5. ext. *Ben.* 1795 *R.* 54. § 2. *C.* 1. *Cod. Prov.* 1803 *R.* 12. § 8.

47. In summary suits for rent, the Court, on the appearance of the defendant, shall decide on a perusal of his answer and the examination of the engagement under which the rent is demanded and of the vouchers for the payments made. *Beng.* 1795 *R.* 35. § 13. *C.* 1. A. D. 1795 Re-enacted 1799 R. 7 § 18.

48. If the defendant do not appear, the Court shall decide on the documents of the plaintiff. *Beng.* 1795 *R.* 35. § 13. *C.* 2.

49. In suits in Benares regarding succession, inheritance &c. the law of the parties is to be abided by, and the law officers are to attend in Court and expound the law: if the parties be of different religions, the law of the defendant's religion is to be the guide; except he be neither Muhamedan nor Hindoo, in which case the law of the plaintiff's religion shall be the guide. *Ben.* 1795 *R.* 8. § 3. *C.* 2.

50. The trial of suits concerning land, referred to Commissioners in Chittagong, is to be by the same rules with other suits. *Beng.* 1797 *R.* 18. § 4. A. D. 1797

51. In suits of inheritance or succession, the Commissioners are to make previous publication for all claimants to prefer their claim within a limited time. *Beng.* 1797 *R.* 18. § 5. *C.* 3.

52. And shall obtain an exposition of the law from the law officer of the Zilla Court; but such exposition shall not preclude the Judge, in case of an appeal to him, from making a further reference to the law officer. *Beng.* 1797 *R.* 18. § 5. *C.* 2.

53. Suits respecting opium, between the Agent and the Rayats, shall be tried in preference to any other suits depending. *Ben.* 1799 *R.* 6. § 14. A. D. 1799

54. Also suits regarding the rent of opium land. *Beng. Ben.* 1799 *R.* 6. § 12.

55. Suits, respecting land rents and revenue, are to be tried in preference to all other suits. *Beng.* 1799 *R.* 7. § 13. *Ben.* 1800 *R.* 5. § 13. *Cod. Prov.* 1803 *R.* 28. § 31.

A. D. 1799 56. In summary actions for arrears of rent, the Judge, on the appearance of the defaulter, shall call upon him to answer the demand; and, if he deny it, shall examine the accounts and vouchers of the parties; or shall refer it to the Collector for adjustment and report, if neither he nor his Register should be able from other avocations to try it without delay. *Beng.* 1799 *R.* 7. § 15. *C.* 4. *Ben.* 1800 *R.* 5. § 14. *C.* 4. *Ced. Prov.* 1803 *R.* 28. § 32. *C.* 4.

57. On receipt of the Collector's report, or after completing his own inquiry, he shall pass judgment. *Beng.* 1799 *R.* 7. § 15. *C.* 5. *Ben.* 1800 *R.* 5. § 14. *C.* 5. *Ced. Prov.* 1803 *R.* 28. § 23. *C.* 5.

58. The Courts are to proceed in suits against executors for breach of trust as in other suits; taking the opinion of the law officer on the objections to the executors, and on the measures to be taken if the executors be set aside. *Beng. Ben.* 1799 *R.* 5. § 2. *Ced. Prov* 1803 *R.* 3. § 16. *C.* 2.

A. D. 1800 59. Informations of adulterated salt are to be tried summarily. *Beng. Ben.* 1800 *R.* 4. § 3.

II. *IN CRIMINAL CASES.*

A. D. 1793 1. The charge against the prisoner, his confession if he plead guilty (which shall be received with circumspection and tenderness), or, if he plead not guilty, the evidence on the part of the prosecution, the prisoner's defence, and any evidence adduced by him, being all heard before him; the law officer, who is to be present during the whole trial, shall write and sign on the record the Futwa or law applicable to the case: if the Futwa appear to the Court of Circuit consonant to justice and to the Muhamedan law, the Court shall pass sentence in the terms of the Futwa, except in cases where they are directed not to pass sentence; and shall issue a warrant to the Magistrate for the execution of the sentence, except it be for death or imprisonment for life, which trials shall be sent to the Nizamut Adaulut for final sentence. *Beng.* 1793 *R.* 9. § 47. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 15. *C.* 1.

2. And except sentences of mutilation, which shall be commuted for imprisonment of seven years for each limb. *Beng.* 1793 *R.* 9. § 51. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 21.

3. If the Court disapprove of the Futwa, they shall, without passing sentence, transmit the record of the trial to the Nizamut Adaulut, and state their objection to that Court. *Beng.* 1793 *R.* 9. § 53. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 22.

4. Prosecutors may prosecute by Vakeel, except when the Muhamedan law requires

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the personal appearance of the prosecutor, or the Court shall deem their vivâ voce evidence necessary: the Court shall examine, through the deputation prescribed by the Muhamedan law, if the case be of such a nature as to admit of it, females, whether prosecutors or witnesses, who may be of such a rank or quality as would make it improper to compel their appearance in Court. *Beng.* 1793 *R.* 9. § 48. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 16. A. D. 1798.

5. A trial may be postponed twice for the non-attendance of any witness whose evidence cannot legally be taken by commission; or may be completed without the evidence of such witness, if the Court and law officer deem his evidence not necessary. *Beng.* 1793 *R.* 9. § 49. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 17.

6. On a conviction of murder, the Court shall make to the heir the reference prescribed by the Muhamedan law: if the heir require death, the Court shall pass sentence of death suspending execution and referring the trial for the final sentence of the Nizamut Adaulut; if the heir require Deyut (price of blood), or pardon the murderer, the Court shall not pass sentence, but shall refer the trial for the final sentence of the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 52. ext. *Ben.* 1795 *R* 16. § 22. Modified 1797 R. 4 § 8.

7. Who, if the prisoner be declared liable to suffer death in the event of the heir requiring it, shall sentence him to death notwithstanding the heir should pardon him or require Deyut. *Beng.* 1793 *R.* 9. § 76 ext. *Ben.* 1795 *R.* 16. § 22. dito.

8. Futwas on trials for murder are to be according to the doctrines of Yusef and Muhamed in Courts of Circuit. *Beng.* 1793 *R.* 9. § 50. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 19.

9. And in the Nizamut Adaulut. *Beng.* 1793 *R.* 9. § 75. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 10. *C* 1.

10. All points of law, which shall occur in the course of a trial, are to be referred to the law officer; and the Court shall be guided by his opinion: but, if that opinion appear to the Court contrary to justice or to the Muhamedan law, they shall, after completing the trial and obtaining the Futwa, transmit the record to the Nizamut Adaulut without passing sentence, and state their objections to such opinion and Futwa. *Beng.* 1793 *R.* 9. § 54 ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 23.

11. In cases of murder, if the heir of the slain refuse to prosecute or shall not attend or shall communicate his intention of pardoning the offender, or shall not be of legal age, the trial shall proceed as if the slain had no heir; and the law officer shall be required to declare what would have been the Futwa if the heir had been of age, and had attended and prosecuted: the Court shall not pass sentence, but shall transmit Re-enacted 1797 R. 4 § 8

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A. D. 1791 the record to the Nizamut Adaulut, who will pass such sentence as they would have passed if the heir had been of age and had attended and prosecuted. *Beng.* 1793 *R.* 9. § 55. ext. *Ben.* 1795 *R.* 16. § 22.

12. Persons, guilty of contempt of Court in open Court, to Courts of Circuit, may be punished by fifteen ratans or imprisonment of fifteen days. *Beng.* 1793 *R.* 9. § 59. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* (imprisonment of four months) 1803 *R.* 7. § 28.

13. If, on a trial, evidence should be deemed incompetent merely on the ground of not professing the Muhamedan religion, the law officer shall be required to declare what would have been the Fuwa if the evidence had been Muhamedan; the Court of Circuit, without passing sentence, shall send the record to the Nizamut Adaulut, who shall pass such sentence, if they approve the proceedings, as they would have passed if the evidence had been Muhamedans. *Beng.* 1793 *R* 9. § 56. ext. *Ben.* 1795 *R.* 16 § 22. *Ced. Prov.* 1803 *R.* 7. § 25.

14. Of three Circuit Judges, the opinion of the majority, and of two Circuit Judges the opinion of the senior, shall be adopted: the Judges shall record the grounds of their opinions on the trial. *Beng.* 1793 *R.* 9. § 64. *R.* 47. § 2. ext. *Ben.* 1795 *R.* 16. § 22. *R.* 25. § 2. *Ced. Prov.* 1803 *R.* 15. § 2.

15. Circuit Judges shall submit to the Nizamut Adaulut rules for the better regulation of trials. *Beng.* 1793 *R.* 9. § 65. ext *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 33.

16. Trials, in which Courts of Circuit are directed not to pass sentence, shall be accompanied by a letter from the Court to the Nizamut Adaulut, stating their opinion on the case. *Beng.* 1793 *R.* 9. § 57. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 26.

17. Trials, in which the prisoner may be sentenced to, or deemed deserving of, death, shall be sent to the Nizamut Adaulut in ten days, or as much earlier as possible. *Beng.* 1793 *R.* 9. § 58. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 7. § 27.

18. The law officers of the Nizamut Adaulut shall write and sign on the record of the trial whether the Futwa of the circuit law officer be conformable to the evidence and to the Muhamedan law; and, if not, what ought to have been the Futwa: and the Nizamut Adaulut, on a consideration of the whole, shall pass the final sentence. *Beng.* 1793 *R.* 9. § 77. ext. *Ben.* 1795 *R* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 12.

19. The sentences of the Nizamut Adaulut shall be regulated by the Muhamedan law, except where a deviation may be expressly directed by a Regulation. *Beng.* 1793 *R.* 9. § 74. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 8. § 9.

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20. In trials for murder, the Nizamut Adaulut shall not adhere to the distinction as to the mode of perpetration, but shall determine the punishment on the intention of the criminal inferrible from the case, and not on the mode or instrument of perpetration except as evidence of the intention. *Beng.* 1793 *R.* 9. § 75. ext. *Ben.* 1795 *R.* *Ced. Prov.* 1803 *R.* 8 § 10. *C.* 1. A. D. 1796

21. The trial of a Brahmen for constructing a Koorh, or charged with being prepared to wound his women or children in resentment to a third person, is to be conducted in the manner prescribed for other offences; and the Court of Circuit, if of opinion that the charge is proved, shall sentence the principal to a fine equal to his annual income to be estimated according to the best information procurable, and all accomplices to a fine equal to a fourth part thereof. *Ben.* 1795 *R.* 21. § 3. A. D. 1796

22. All such trials shall be transmitted within ten days to the Nizamut Adaulut, who may mitigate or remit the fine. *Ben.* 1795 *R.* 21. § 4.

23. The same mode of trial, reference and mitigation is applicable to Brahmens charged with constructing a Koorh or making preparations to wound their women or children in resentment to the officers of Government. *Ben.* 1795 *R.* 21. § 5.

24. If such Koorh be set on fire, and any person actually lose his life thereby, the Court of Circuit shall sentence to death all persons concerned in it as principals or accomplices, whether consident with the Dafwa or not; and shall transmit the trial to the Nizamut Adaulut, who may confirm the sentence or recommend to Government pardon, commutation or mitigation of the sentence; and, if they confirm the sentence, shall commute death into transportation for life. *Ben.* 1795 *R.* 21. § 7.

25. The same mode of trial, reference and commutation is applicable to Brahmens who shall actually kill their women or children. *Ben.* 1795 *R.* 21. § 9.

26. If such Brahmen should wound his women or children, the Court of Circuit shall sentence him to transportation subject to the same reference and mitigation. *Ben.* 1795 *R.* 21. § 8.

27. The trial of Rajkomars for starving to death their female children shall be held under the same rules with other cases of murder. *Ben.* 1795 *R.* 21. § 13. *Ced. Prov.* 1804 *R.* 3. § 11.

28. In trials for Dhurna in Benares, after the evidence shall be closed, the Pundit is to deliver the Bebusta or exposition of the law whether the facts proved amount to Dhurna; if the Bebusta be in the affirmative, the Court shall sentence the prisoner to banishment from the province and to forfeiture of his claim; but shall not execute the

A. D. 1795 sentence, till referred to, and confirmed by, the Nizamut Adaulut. *Ben.* 1795 *R.* 21. § 11. *C.* 2.

29. If the Bebusta be in the negative, and the Court should notwithstanding deem the prisoner guilty, he may be required, previous to his release, to give a Mochulka submitting himself to all penalties of Dhurna, should he again offend. *Ben.* 1795 *R.* 21. § 12. ext. *Beng.* 1797 *R.* 5. § 5. *Ced. Prov.* 1804 *R.* 3. § 10. *C.* 2.

A. D. 1796 30. The trial of Bhaugulpoor hill prisoners by the assembly of chiefs is to be held in presence of the Magistrate, who may suggest questions to be put by the Court to the witnesses or prisoner, and shall cause the assembly to observe as much regularity in the proceedings as circumstances will admit; and may allow examinations and confessions taken before himself, and freely admitted by the prisoners on the trial, to form a part of the proceedings; but shall not exercise, nor permit any person not a member of the Court to exercise, any interference with the Court's deliberations or sentence. *Beng.* 1796 *R.* 1. § 10.

31. The Magistrate may execute or mitigate, reporting to the Nizamut Adaulut, sentences on such trials not exceeding an imprisonment of fourteen years. *Beng.* 1796 *R.* 1. § 11.

32. And shall transmit to the Nizamut Adaulut, with a translation, those trials in which the sentence is death or mutilation, or an imprisonment exceeding fourteen years. *Beng.* 1796 *R.* 1. § 12.

A. D. 1797 33. In trials for murder, after the proceedings are concluded according to Section 47, Regulation 9 of 1793, the law officer, who is to be present at the trial, shall be required to declare in writing on the record whether the prisoner is convicted of the charge: if the law officer's answer acquit him, the Judge shall immediately discharge him, unless he disapprove of the acquittal, in which case he shall send the trial to the Nizamut Adaulut: if the law officer convict the prisoner of wilful murder, he shall be again required to declare in writing on the record what would be the punishment if all the heirs had prosecuted and demanded Kissas at an age competent to demand it; but no reference shall be made to the heir of the slain; and the trial shall be sent to the Nizamut Adaulut whatever be the Futwa: if the law officer convict the prisoner of any other homicide than wilful, he shall be required to declare the specific penalty of the Muhamedan law; and if Deyut should be a part or the whole of the penalty, the Court shall commute it into imprisonment adequate to the offence, and carry the sentence into execution unless the imprisonment be for life. *Beng. Ben.* 1797 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 7. § 15 *C.* 2.

34. On reference of such trials, the law officers of the Nizamut Adaulut shall write

write their Futwa, always assuming that the heir prosecuted and demanded Kissas: if they deem the prisoner not convicted of wilful murder, they are to state their reasons, and whether they think him altogether innocent or guilty of some other homicide, adding the legal penalty for such homicide; and the Nizamut Adaulut shall pass final sentence, or may if necessary require further evidence: the sentence is to be conformable to the Muhamedan law, with the exceptions and modifications authorized by any Regulation: but, if in any case not provided for by the Regulations, the Muhamedan law should appear repugnant to justice, the Nizamut Adaulut shall adhere to it if in favor of the prisoner, and recommend to Government pardon or mitigation if against the prisoner. *Beng. Ben.* 1797 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 8. § 11. A. D. 1797.

35. All examinations of parties and witnesses are to be in the language and character which they shall desire, and shall be signed by the deponent, after reading or hearing read the deposition, if he admit the record to be correct. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 2. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 1.

36. Leading questions to a witness are to be avoided, and the parties are to be allowed to cross-examine witnesses, and the Court shall also cross-examine them. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 3. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 2.

37. Prosecutors or witnesses, identifying stolen property or instruments of violence stated to have been found on prisoners or in their houses, are to be carefully examined to the identity and the circumstances; and this principle shall be applied to all circumstantial evidence. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 5. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 4.

38. Witnesses are to be solemnly admonished to speak the truth. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 6. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 5.

39. And shall be questioned as to any variation between their depositions before the Magistrate and in the Court of Circuit; but the former depositions shall not be read in a witness's presence till he have been re-examined. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 7. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 6.

40. The age, residence, profession and cast of parties and witnesses are to be noted; the father's name, and, if a married woman, the husband's name. *Beng. Ben.* 1797 *R.* 4. § 7. *C.* 4. *Ced. Prov.* 1803 *R.* 7. § 18. *C.* 3.

41. In referring trials to the Nizamut Adaulut, a preference shall be given, as far as practicable, to those in which the prisoners are sentenced to death or may be liable to it under the Regulations. *Beng. Ben.* 1797 *R.* 4. § 13. *Ced. Prov.* 1803 *R.* 7. § 36.

42. Circuit Courts are, in references, to conform to the instructions of the Nizamut Adaulut. *Beng. Ben.* 1797 *R.* 4. § 14. *Ced. Prov.* 1803 *R.* 7. § 38.

A. D. 1797 43. On trials for wilful and corrupt perjury, the law officer shall be required to declare whether the prisoner be liable to Tush-heer according to the opinion of Haneefa, as well as to corporal punishment and imprisonment according to the opinion of Yusef and Mohamed; and the Court may sentence him to either or both punishments. *Beng. Ben.* 1797 *R.* 17. § 2. *Ced. Prov.* 1803 *R.* 7. § 40.

44. And in heinous cases, to have his crime imprinted on his forehead with Godena. *Beng. Ben.* 1797 *R.* 17. § 3.

45. On trials for Dhurna in Bengal &c. the Court of Circuit, after being satisfied, that the prescribed publication has been duly made, shall take the evidence and transmit the record to the Judges at the Sudder station; who shall require the Pundit of the Court of Appeal to declare the Bebusta or exposition of the law whether the facts proved amount to Dhurna; and on his answering in the affirmative, may sentence the prisoner to forfeiture of his claim, to pay a fine not exceeding 1000 Rupees, and to imprisonment not exceeding a year. *Beng.* 1797 *R.* 5. § 4. *Ced. Prov.* 1804 *R.* 3. § 10. *C.* 1.

46 If the Pundit reply in the negative, the Court may act as directed in Section 12, Regulation 21 of 1795. *Beng.* 1797 *R.* 5. § 5. *Ced. Prov.* 1804 *R.* 3. § 10. *C.* 2.

47. Charges of wilful neglect, in matters of Police, against landholders and farmers in Benares &c. are to be tried by the Magistrate in the mode prescribed by the Regulations in respect to other charges of a criminal nature; and the sentence, passed by the Magistrate on conviction, shall be referred to the Nizamut Adaulut. *Ben.* 1797 *R.* 2. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 35. § 3. *C.* 4.

48. The judgment of the Nizamut Adaulut on such trials is to be final: but, in case of the Nizamut Adaulut confirming a sentence of forfeiture, the proceedings are to be referred for the final orders of the Governor General in Council. *Ben.* 1797 *R.* 2. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 35 § 3. *C.* 5.

A. D. 1799 49. The trial of prisoners charged with crimes against the state is to be conducted in the same manner by the special Courts as it would have been in the ordinary Courts; but the sentence in every instance, whether of acquittal or punishment, shall be reported with all proceedings to the Nizamut Adaulut. *Beng. Ben.* 1799 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 20. § 3.

50. Also in the Nizamut Adaulut; but they are to report in every instance their sentences, with the whole proceedings, to Government, and not carry the sentence into execution till the receipt of orders from Government. *Beng. Ben.* 1799 *R.* 4. § 5. *Ced. Prov.* 1803 *R.* 20. § 5.

51. Such special Courts are to be guided by the orders of Government and of the Nizamut Adaulat, in points not provided for by the Regulations. *Beng. Ben.* 1799 *R.* 4. § 3. *Ced. Prov.* 1803 *R.* 20. § 3. A. D. 1799

52. The record of trials for transmission to the Nizamut Adaulat is to include the whole proceedings held before the Court of Circuit, with every examination, exhibit or material paper taken by or delivered into that Court, any confessions of prisoners before the Magistrate, any inquest taken in cases of homicide, and any other evidence appearing on the proceedings of the Magistrate, with the proofs; and Persian translations of any examinations taken in any other language than Persian. *Beng. Ben.* 1799 *R.* 10 § 2. *Ced. Prov.* 1803 *R.* 7. § 45.

53. If, on a trial for murder, the Fatwa of the law officer should declare the prisoner not liable to suffer death, solely on some ground of personal distinction, the Nizamut Adaulat shall nevertheless sentence the prisoner to death if deserving of it. *Beng. Ben.* 1799 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 15.

54. Or on the grounds of his having been requested by the deceased to put him to death. *Beng. Ben.* 1799 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 16.

55. Or on the ground of any of his accomplices being exempted from Kissas. *Beng. Ben.* 1799 *R.* 8 § 4. *Ced. Prov.* 1803 *R.* 8 § 17.

56. Or in cases of murder by poison or drowning. *Beng. Ben.* 1799 *R.* 8. § 5. *Ced. Prov.* 1803 *R.* 8 § 10. *C.* 1.

57. On trials for Dhurma, the Pandits, in giving their Bebasta, are not to confine themselves to the exact definition of Dhurma, but shall include every species of duress, whatever be the technical denomination. *Beng. Ben.* 1799 *R.* 9. § 6. *Ced. Prov.* 1804 *R.* 3. § 10. *C.* 3.

58. On a person's being convicted of intending to murder one individual, and accidentally killing another, the law officer shall be required to state what punishment the prisoner would have been liable to, if he had committed the murder intended by him; and all such trials shall be referred to the Nizamut Adaulat, who shall sentence him to death if it be clearly established to the Court's satisfaction, that he intended to commit the crime of deliberate murder. *Beng. Ben.* 1801 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 2. A. D. 1801

59. Also in any other case of homicide accidentally committed with a murderous intention, or in the intention of committing a capital crime. *Beng. Ben.* 1801 *R.* 8. § 3. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 3.

A. D. 1801 60. And of persons intending to wound one individual and accidentally wounding another. *Beng. Ben.* 1801 *R.* 8. § 4. *Ced. Prov.* 1803 *R.* 8. § 10. *C.* 4.

A. D. 1803 61. Circuit Courts and the Nizamut Adaulut may dispense with the oath of witnesses, whose rank or cast would make it improper to compel them to swear, on their signing the declaration directed in Section 6, Regulation 4 of 1793. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 1.

62. And may dispense with the oath of prosecutors, if of similar rank, on signing a similar declaration. *Beng. Ben.* 1803 *R.* 50. § 3. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 1.

63. But the Court shall not admit, on his declaration, the evidence of any person not really of such rank or cast. *Beng. Ben.* 1803 *R.* 50. § 6. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 7.

64. The Courts may administer any oath, which the party offers to take, if legal, binding and practicable, except oaths in the nature of ordeals, which rest the proof on the contingency of evil. *Beng. Ben.* 1803 *R.* 50. § 5. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 6.

65. A prosecutor for Government shall not be required to swear, nor to subscribe a declaration. *Beng. Ben.* 1803 *R.* 50. § 4. *Ced. Prov.* 1803 *R.* 8. § 25 *C.* 5.

66. Circuit Courts and the Nizamut Adaulut may commit to close custody, and fine as far as 500 Rupees, witnesses not attending or refusing to give evidence. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 1. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 1.

67. But the fine shall not be imposed, unless the witness persist in his refusal, after being called upon a second time, after an interval of not less than a day; and the witness shall remain in jail until payment of the fine; or, if the trial be depending, until he consent to give evidence, or for a fixed period of imprisonment, under Section 3, Regulation 14 of 1797. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 8. § 25 *C.* 2.

68 Trials need not be postponed for the evidence of such recusing witnesses, unless deemed necessary under the discretion allowed by Section 49, Regulation 9 of 1793. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 3. *Ced. Prov.* 1803 *R.* 8. § 25. *C.* 3.

69. When the law officer of a Court of Circuit considers a prisoner liable to discretionary punishment, he shall state in his Futwa the grounds on which the prisoner is adjudged subject thereto; leaving the punishment to be determined by the Judge, or by the Nizamut Adaulut if the trial be referred. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 1.

70. And shall be required to state, in a second Futwa, what would have been the specific penalty, under the Muhamedan law, in case of legal conviction; and the Circuit

cuit Court shall sentence the prisoner accordingly, or transmit the trial to the Nizamut Adaulut if referrible. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 3. A. D.

71. Or if the Futwa award discretionary punishment in consequence of some special exception repugnant to equal justice. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 4.

72. On the reference of such trials, if the law officers of the Nizamut Adaulut adjudge a prisoner to discretionary punishment, they shall declare the grounds of their judgment, leaving the measure of punishment to the Court. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 1.

73. And the Court shall pass sentence on such trials, after taking a second Futwa when requisite. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 2.

74. In cases not capital, if the Circuit Judge shall concur in the conviction by the Futwa, and shall sentence the prisoner to the specified punishment, and the law officers of the Nizamut Adaulut shall confirm the conviction, and the sentence shall appear conformable to the Regulations, the Nizamut Adaulut may confirm the sentence without a revision of the proceedings: but in capital cases the Nizamut Adaulut shall revise the whole proceedings; and in cases not capital, if the Circuit Judge shall not concur in the conviction, or shall not consider the prisoner deserving of the specified punishment, or the law officers of the Nizamut Adaulut shall not confirm the conviction, or the sentence shall appear not conformable to the Regulations, the Nizamut Adaulut shall revise so much of the proceedings as may be requisite for forming a judgment. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 7. *C.* 5.

75. The Court of Circuit is not to take cognizance of crimes committed in the Ceded Provinces, before the 10th November 1801; and is to try, according to the rules then in force, crimes committed between that date and the promulgation of the Regulations. *Ced. Prov.* 1803 *R.* 7. § 42.

76. Nor the Nizamut Adaulut. *Ced. Prov.* 1803 *R.* 8. § 26.

VACANCY OF PUBLIC OFFICES.

1. All rules, respecting Collectors of Revenue, are equally applicable to their Assistants or other persons officiating while the office is vacant. *Beng.* 1793 *R.* 14. § 47. *Ben.* 1795 *R.* 6. § 52. *Ced. Prov.* 1803 *R.* 27. § 49. A. D. 1793

2. And Assistants, so in charge, shall perform the duties of the Collector, and be obeyed by the public officers. *Beng.* 1793 *R.* 2. § 14. *Ben.* 1795 *R.* 5. § 14. *Ced. Prov.* 1803 *R.* 25. § 13.

3. In the event of the office of either law officer of a Court of Circuit being vacant, the

A.D. 1791 the Putwa of the other shall be equally valid as if delivered by both. *Beng.* 1793 *R.* 9. § 61. ext. *Ben.* 1795 *R.* 16. § 22. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 7.

4. Registers of Zilla or City Courts are not to exercise the powers of Judge, in case of the office being vacant, without the express sanction of the Governor General in Council. *Beng.* 1793 *R.* 13. § 7. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 12. § 16.

5. All rules, respecting Commercial Residents, are equally applicable to their Assistants in charge during a vacancy of the office. *Beng.* 1793 *R.* 31. § 27. *Ced. Prov.* 1803 *R.* 37. § 27. ext. *Ben.* 1795 *R.* 4. § 2.

6. Vacancy in a law office of a Court of Judicature by death or resignation is to be reported to the Governor General in Council, with the recommendation of a qualified successor. *Beng.* 1793 *R.* 12. § 9. ext. *Ben.* 1795 *R.* 11. § 2. *Ced. Prov.* 1803. *R.* 11. § 9.

7. And vacancy of the office of a Pergunna Cazee. *Beng.* 1793 *R.* 39. § 4. ext. *Ben.* 1795 *R.* 49. § 3. *Ced. Prov.* 1803 *R.* 46. § 4.

8. Landholders are to transmit to Police Daroghas the names of all village watchmen appointed to fill vacancies. *Beng.* 1793 *R.* 22. § 13. *Ben.* 1795 *R.* 17. § 13. *Ced. Prov.* 1803 *R.* 35. § 13.

9. And to Civil Courts and Collectors, quarterly, the names of Putwarees occasionally appointed. *Beng.* 1793 *R.* 8. § 62. *C.* 2. *Ben.* 1795 *R.* 27. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 29. § 2. *C.* 1.

10. Magistrates are to fill up all vacancies among the Police Daroghas of Zillas. *Beng.* 1793 *R.* 22. § 6.

11. And the Kotwals and Daroghas of cities. *Beng.* 1793 *R.* 22. § 28.

Modified 1[illegible] R. 5 & 7 8, & 16

12. Collectors of Revenue are to appoint on all vacancies among their native officers, except the Khezanchee and native Record-keepers; transmitting to the Board regular notice of all appointments. *Beng.* 1793 *R.* 2. § 13. *Ben.* 1795 *R.* 5. § 13.

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13. Civil and Criminal Courts are to appoint on all vacancies among their native ministerial officers, except the Naib Nazirs, Mirdhas and Peons; vacancies among whom are to be filled up by the Nazir. *Beng.* 1793 *R.* 13. § 2. ext. *Ben.* 1795 *R.* 12. § 2. *Ced. Prov.* 1803 *R.* 1[illegible]. § 2.

14. On any vacancy in the office of a Commissioner of lawsuits, the Judge is to recommend a person in his room for the approbation of the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 40. § 27. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 25.

15.

15. In the event of a seat in a Court of Circuit being vacant, the two remaining Judges shall proceed on circuit at the prescribed periods; and the Governor General in Council will authorize the Register, or appoint some other person, to execute the business allotted to the Resident Judge. *Beng.* 1794 *R.* 7. § 8. *C.* 1. ext. *Ben.* 1795 *R.* 16. § 18. A. D. 1795. Re-enacted 1797 R. 3 § 8

16. In the event of such vacancy in the interval between the circuits, the Judge, holding the monthly jail deliveries, shall sit on alternate days, or at such hours as to be able to sit also in the Appeal Court. *Beng.* 1794 *R.* 7. § 13. ext. *Ben.* 1795 *R.* 16. § 21.

17. Or if such vacancy should occur during a circuit, the Governor General in Council will order the remaining Judge to complete the circuit, or will make any other provision for the case. *Beng.* 1794 *R.* 7. § 8. *C.* 2. ext. *Ben.* 1795 *R.* 16. § 18. *Ced. Prov.* 1803 *R.* 7. § 14.

18. In case of a law office in a Court of Circuit being vacant, the Court of Circuit may employ the Muhamedan law officer of the Zilla or city for which the jail delivery is held *Beng.* 1794 *R.* 7. § 14. ext. *Ben.* (applicable also to the Pundits) 1795 *R.* 16. § 21. *Ced. Prov.* 1803 *R.* 7. § 24. Re-enacted 1797 R. 4 § 8

19. All rules, respecting Custom Masters, are applicable to Deputies or Assistants in charge, while the office of Custom Master is vacant. *Beng. Ben.* 1795 *R.* 39 § 33. *Ced. Prov.* 1804 *R.* 11. § 52. A. D. 1795.

20. The Darogha of each Custom-house station in Benares, is to transmit to the Collector a list of the officers and servants appointed by him on vacancies. *Ben.* 1795 *R.* 3. § 15.

21. And each Tehsildar a list of the Peons so occasionally appointed. *Ben.* 1795 *R.* 6. § 4. *Ced. Prov.* 1803 *R.* 27 § 4.

22. If from any casualty, the office of Judge and Magistrate devolve to the senior Assistant without any provision having been made by Government, he shall report it to Government; and, until receipt of orders, exercise only such part of the powers as may be indispensable for executing processes of the Superior Courts, for preserving the peace of the district, or for such cases as will not admit of delay. *Beng. Ben.* 1796 *R.* 4. § 5. *Ced. Prov.* 1803 *R.* 12. § 15. A. D. 1796.

23. The prohibition in Section 7, Regulation 13 of 1793, extends to all Assistants of Courts Civil and Criminal. *Beng. Ben.* 1796 *R.* 4 § 6.

24. In the event of a seat in the Court of Circuit being vacant at the time appointed for the half yearly Circuits, early notice shall be communicated to the Governor A. D. 1797.

A. D. 1797 General in Council, who will make provision for the case. *Beng. Ben.* 1797 *R.* 3. § 6. *Ced. Prov.* 1803 *R.* 7. § 14.

25. And in the event of a law office being vacant, the Court of Circuit may employ the Muhamedan law officer of the City or Zilla, for which the jail delivery is held. *Beng. Ben.* 1797 *R.* 4. § 8. *Ced. Prov.* 1803 *R.* 7 § 24.

A. D. 1798 26. The Board of Trade, salt Agents and Ameen, are to furnish the Zilla Court with the names of the officers of salt Chokees appointed on vacancies. *Beng.* 1798 *R.* 4. § 2.

A. D. 1799 27. All rules, regarding opium agents, are equally applicable to their assistants having charge during a vacancy of the office. *Beng. Ben.* 1799 *R.* 6. § 38.

28. If the seat of either junior Judge of a Court of Circuit be vacant, the other junior Judge shall hold the monthly jail deliveries on alternate days, or in such manner as not to impede the business of the Appeal Court. *Beng. Ben.* 1799 *R.* 2. § 2.

29 Or, if the other junior Judge be not present, the Nizamut Adaulut may authorize the senior Judge to hold the monthly jail deliveries. *Beng. Ben.* 1799 *R.* 2. § 3.

30. The special Courts are competent to proceed with the trial, notwithstanding any vacancy occurring among the Judges or law officers composing it. *Beng. Ben.* 1799 *R.* 4. § 4. *Ced. Prov.* 1803 *R.* 20. § 4.

A. D. 1803 31. If the office of Judge and Magistrate be vacant by any casualty where an assistant Judge has been appointed, the assistant Judge, if senior in service to the Register, shall take temporary charge under Section 5, Regulation 4 of 1796, and report to Government. *Beng. Ben* 1803 *R.* 49. § 5 *Ced Prov.* 1805 *R.* 8 § 12. *C.* 10.

A. D. 1804 32. Report of the vacancy of a head native officer of any department in the employ of Government is to be made to the Governor-General in Council through the prescribed channel of correspondence. *Beng. Ben. Ced. Prov.* 1804 *R* 5. § 7.

33. With the nomination of a qualified successor, detailing his qualifications. *Beng. Ben. Ced. Prov.* 1803 *R.* 5. § 9.

34. Report of vacancy of any other native officer receiving a monthly salary of ten Rupees or upwards in the Judicial, Revenue or Commercial Departments, is to be made to the Sudder Dewannee or Nizamut Adaulut, or Boards of Revenue or Trade respectively. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 16.

35. With the nomination of a qualified successor, detailing his qualifications. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 18.

36. In case of any existing vacancies, which it may be necessary to fill, nominations shall be made as above. *Beng. Ben. Ced. Prov.* 1804 *R.* 5 § 20.

37.

37. The authority, under whom any officer receiving a salary of less than 10 Rupees is employed, may appoint on a vacancy of such office. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 14. A. D. 1804

38. But the Nazirs of the Courts, and the Police officers, are to appoint, with the sanction of the Judge and Magistrate, the Peons, Burkundazes &c. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 12.

39. The same principle is applicable to the Peons &c. in the revenue and commercial departments, and to any establishments of the Commissioners of lawsuits. *Beng. Ben. Ced. Prov.* 1804 *R.* 5. § 13.

40. If the office of a junior Judge of a Court of Circuit be vacant, the other junior Judge shall hold the quarterly jail deliveries on alternate days, or in such manner as not to impede the business of the Appeal Court. *Beng.* 1804 *R.* 2. § 4.

41. Or if the other junior Judge be not present, the Nizamut Adaulut may authorize the senior judge to hold the quarterly jail deliveries. *Beng.* 1804 *R.* 2. § 5.

42. And similarly the monthly jail deliveries of Zillá Barellee. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 4. A. D. 1805

43. Vacancy of the office of a Sirdar Payik in Cuttack is to be reported to the Nizamut Adaulut for their orders, and vacancy of the office of an inferior Payik is to be filled up by the Sirdar Payik on making himself responsible for the conduct of the person recommended by him. *Beng.* 1805 *R.* 13. § 5.

44. The Collector is to report vacancies among the officers of the temple of Jugunnaut to the Board, with the recommendation of proper successors, attending to the usages of the temple and the religious opinions of the officers and pilgrims; and the Board shall either fill such vacancies, or report to Government, as the case may be. *Beng.* 1806 *R.* 4. § 19. A. D. 1806

45. During the vacancy of the office of the senior Judge of a Court of Circuit, the Judge next in rank, or, if only one Judge be present, such Judge, shall perform the duties of the senior Judge. *Beng. Ben. Ced. Prov.* 1806 *R.* 1. § 9.

VAGRANTS AND SUSPECTED PERSONS.

1. Police Daroghas shall seize and send to the Magistrate all vagrants or suspected persons lurking in their jurisdictions; the Magistrate shall examine them on oath, and all persons acquainted with their usual residence and occupation; and, if he see grounds for suspecting them to be ill disposed people, shall employ them on the public roads till they find security for good behaviour, or show signs of amendment, or till A. D. 1793

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A.D. 1793 some creditable person take them into his service; and, if they escape before they are regularly discharged, they shall on reapprehension be imprisoned and kept to hard labor for six months. *Beng.* 1793 *R.* 22. § 10. *Ben.* 1795 *R.* 17. § 10. *Ced Prov.* 1803 *R.* 35. § 10.

2. Police Daroghas may apprehend such vagrants without a written charge. *Beng.* 1793 *R.* 22. § 8. *Ben.* 1795 *R.* 17. § 8. *Ced. Prov.* 1803 *R.* 35. § 8.

3. Village watchmen are to give the Daroghas intelligence of all vagrants lurking about the country. *Beng.* 1793 *R.* 22. § 14. *Ben.* 1795 *R.* 17. § 14. *Ced. Prov.* 1803 *R.* 35. § 14.

4. Kotwals and Daroghas of cities are to apprehend all vagrants, lurking about their wards, without visible means of subsistence, and who cannot give a satisfactory account of themselves. *Beng* 1793 *R.* 22. § 31 *Ben.* 1795 *R.* 17. § 29.

5. The Magistrates of cities are to proceed with vagrants or suspected persons found in cities as directed in Section 10. *Beng.* 1793 *R.* 22 § 33. *Ben.* 1795 *R.* 17 § 31.

6. Muhulladars of cities are to report all offenders lurking in their wards. *Beng.* 1793 *R.* 22. § 30. *Ben.* 1795 *R.* 17. § 27.

A.D. 1803 7. The Tehsildars and watchmen in the Ceded Provinces are not to confound with vagrants, suspected persons or strangers coming to reside from the neighbouring countries, but shall keep a watchful eye over such strangers, and report them to the Magistrate. *Ced. Prov.* 1803 *R.* 35. § 15.

8. In cases of strong suspicion, though not amounting to conviction, or on proof of bad character, the Court of Circuit may order the prisoner's detention till he give security. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 2. *C.* 6.

9. If a person, sentenced by the Courts of Circuit to be detained till he give security, under the above clauses, or a person similarly sentenced by the Nizamut Adaulut, shall not be able to give security within one year, and the Magistrate shall think his release, on Mochulka, without security, expedient, he shall report the case to the Circuit Court at the next jail delivery. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 11. *C.* 1.

10. The Court of Circuit shall call the prisoner before them, and ascertain from the trial the grounds on which security was required, and may direct his release on Mochulka, if they concur in opinion with the Magistrate. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 11. *C.* 2.

11. But due consideration must be given to the nature of the crime, the general character of the prisoner, and the risk to be apprehended from his release. *Beng. Ben. Ced. Prov.* 1803 *R.* 53. § 11. *C.* 3.

12.

12. In the revision of trials referred by the Magistrates of the Ceded Provinces prior to 24th March 1803, the Court of Circuit may, in all cases deemed necessary, direct, that the prisoner, previous to his release, give security for his appearance and future good behaviour. *Ced. Prov.* 1803 *R.* 51. § 2. *C.* 5. A. D. [illegible]

13. And the Nizamut Adaulut may do so on the reference of such trials. *Ced. Prov.* 1803 *R.* 51. § 3. *C.* 3.

UNION OF LANDED ESTATES.

1. If a person should be desirous to unite two or more separate estates which may devolve to him, the Collector shall forward his signed application to the Revenue Board, who may authorize the union, reporting it to the Governor General in Council for his sanction; and the requisite entries shall be made in the registers. *Beng.* 1793 *R.* 25. § 6. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 34. A. D. [illegible]

2. A fee of one quarter per cent on the annual Jumma, is payable on the registry of the union of an estate paying revenue to Government. *Beng. Ben.* 1797 *R.* 15. § 2. *C.* 2 *Ced. Prov.* 1803 *R.* 23. § 9. *C.* 2. A. D. [illegible]

3. And of two and half per cent on the annual produce of rent-free estates. *Beng. Ben.* 1797 *R.* 15. § 2. *C.* 3 *Ced. Prov.* 1803 *R.* 23. § 9. *C.* 3.

4. The fee is payable, in the case of revenue lands, by the parties bound to pay the charges, in their respective proportions; and, in rent-free lands, by the parties in whose names the property is registered, in their respective proportions. *Beng. Ben.* 1797 *R.* 15. § 7. *Ced. Prov.* 1803 *R.* 23. § 14.

5. The fee shall be levied by the process for recovering revenue arrears. *Beng. Ben.* 1797 *R.* 15. § 5. *Ced. Prov.* 1803 *R.* 23. § 12.

6. Parties, not producing, after written requisition from the Collector, the accounts for calculating the annual produce of rent-free estates, may be fined daily by the Board till compliance. *Beng. Ben.* 1797 *R.* 15. § 4. *Ced. Prov.* 1803 *R.* 23. § 11.

7. The fee on any union shall not exceed 100 Rupees. *Beng. Ben.* 1797 *R.* 15. § 6. *Ced. Prov.* 1803 *R.* 23. § 13.

8. The Collectors are to grant receipts for all fees received under this Regulation, and carry them to the credit of Government. *Beng Ben.* 1797 *R.* 15. § 9. *Ced. Prov.* 1803 *R.* 23. § 16.

9. Applications to the Board or Collectors, for the union of estates, shall be on stampt paper of one Rupee, eight Annas, four Annas, or two Annas, according to the size of the paper. *Beng. Ben.* 1800 *R.* 7. § 25. A. D. 1800.

USURY.

A. D. 1793

1. No judgment, except dismissal of the suit with costs, shall be given, if the cause of action arose on or after the 28th March 1780, on proof of any attempt to evade the restrictions regarding interest by a deduction from the principal, or by any other device. *Beng.* 1793 *R.* 15. § 9. *Ced. Prov.* (on or after the 1st January 1804) 1803 *R.* 34. § 8. *Cuttack* (on or after the 14th October 1803) 1805 *R.* 14. § 9. *C.* 5. *Ben* (on or after the 1st January 1807) 1806 *R.* 17. § 5.

2. No interest shall be allowed, if the cause of action arose on or after the 28th March 1780, on any document specifying a higher interest than the legal rate. *Beng.* 1793 *R.* 15. § 8. *Ced. Prov.* (on or after the 1st January 1804) 1803 *R.* 34. § 7. *Cuttack* (on or after the 14th October 1803) 1805 *R.* 14. § 9. *C.* 4. *Ben.* (on or after the 1st January 1807) 1806 *R.* 17. § 5.

3. No compound interest shall be allowed, except where the former bond has been cancelled, on an adjustment of accounts, and a new bond taken for the aggregate of principal and legal interest consolidated into principal. *Beng.* 1793 *R.* 15. § 7. *Ced. Prov.* 1803 *R.* 34. § 6. ext. *Ben.* 1806 *R.* 17. § 2.

4. No greater sum shall be allowed for interest than the amount of the principal, though it should have accumulated so as to exceed the principal. *Beng.* 1793 *R.* 15. § 6. *Ced. Prov.* 1803 *R.* 34. § 5. ext. *Ben.* 1806 *R.* 17 § 2.

5. The following rates of interest are to be considered the general legal rates on present or future loans. *Beng.* 1793 *R.* 15 § 1. *Ced. Prov.* 1803 *R.* 34. § 1. *Cuttack* 1805 *R.* 14. § 9. *C.* 1. *Ben.* 1806 *R.* 17. § 1.

6. If the cause of action arose previous to the 28th March 1780, at the following rates. *Beng.* 1793 *R.* 15. § 2. *C.* 1. *Ced. Prov.* (previous to the 10th November 1801) 1803 *R.* 34 § 2. *C.* 1. *Cuttack* (previous to the 14th October 1803 (1805 *R.* 14. § 9. *C.* 2. *Ben.* (previous to the 1st January 1807) 1806 *R.* 17 § 3.

7. Three Rupees two Annas per cent per mensem on sums not exceeding 100 Rupees. *Beng.* 1793 *R.* 15. § 2. *C* 2. *Ced. Prov.* (two Rupees eight Annas) 1803 *R.* 34. § 2. *C.* 2. *Cuttack* (two Rupees eight Annas) 1805 *R.* 14. § 9. *C.* 2. *Ben.* (according to the stipulation of the parties or the usage of the province) 1806 *R.* 17. § 3.

8. And at two per cent on larger sums. *Beng.* 1793 *R.* 15 § 2. *C.* 3. *Ced Prov.* 1803 *R.* 34. § 2. *C.* 3. *Cuttack* 1805 *R.* 14. § 9. *C.* 2 *Ben.* (according to the stipulation of the parties or the usage of the province) 1806 *R.* 17. § 3.

9. If the cause of action arose on or after the 28th March 1780, and before the 1st January 1793, at the following rates. *Beng.* 1793 *R.* 15. § 3. *C.* 1.

10.

10. Two per cent per menſem on ſums not exceeding 100 Rupees. *Beng.* 1793 *R.* 15. § 3. *C.* 2. A. D. 1798

11. And one per cent on larger ſums. *Beng.* 1793 *R.* 15. § 3. *C.* 3.

12. If the cauſe of action aroſe on or after the 1ſt January 1793, one per cent on all ſums. *Beng.* 1793 *R.* 15. § 4. *Ced. Prov.* (on or after the 10th November 1801) 1803 *R.* 34. § 3. *Cuttack* (on or after the 14th October 1803) 1805 *R.* 14. § 9. *C.* 3. *Ben.* (on or after the 1ſt January 1807) 1806 *R.* 17. § 4.

13. If a lower rate, than any of the above, ſhould have been ſtipulated between the parties, ſuch lower rate ſhall be awarded. *Beng.* 1793 *R.* 15. § 5. *Ced. Prov.* 1803 *R.* 34. § 4. ext. *Ben.* 1806 *R.* 17. § 2.

14. Theſe rules do not extend to reſpondentia loans, or policies of inſurance, which are to be regulated by the terms of the deed and the prevailing uſage. *Beng.* 1793 *R.* 15. § 12. *Ced. Prov.* 1803 *R.* 34 § 11 ext. *Ben.* 1806 *R.* 17. § 2.

15. In mortgages of real property executed prior to the 28th March 1780, the uſufruct, if ſo ſtipulated, ſhall be allowed to the mortgagee, whether he had or not poſſeſſion until that date; and ſubſequently thereto, the ſame intereſt which is allowed on other loans; and ſuch mortgages, and mortgages executed ſubſequently to that date, ſhall be deemed cancelled whenever the principal and ſimple intereſt ſhall be liquidated from the uſufruct ſubſequent to that date or otherwiſe. *Beng.* 1793 *R.* 15. § 10. *Ced. Prov.* (prior to the 10th November 1801) 1803 *R.* 34. § 9. *Cuttack* (prior to the 14th October 1803) 1805 *R.* 14. § 9. *C.* 6. *Ben.* (prior to the year 1214) 1806 *R.* 17. § 6.

16. The above rule is not to be held applicable to conditional ſales by Byebulwufa or Kutkubala. *Beng. Ben.* 1798 *R.* 1. § 3. *Ced. Prov.* 1803 *R.* 34. § 13. A. D. 1798

17. It not being intended to alter the terms of ſuch contracts, illegal intereſt excepted. *Beng. Ben.* 1798 *R.* 1. § 5. *Ced. Prov.* 1803 *R.* 34. § 15.

18. The forfeiture of intereſt by Section 8, and the forfeiture of principal and intereſt by Section 9, Regulation 15 of 1793, ſhall not be conſidered applicable in Benares to loans bonâ fide contracted before the year 1807. *Ben* 1806 *R.* 17. § 5. A. D. 1806

19. Nor the rules of Section 10, Regulation 15 of 1793, for the redemption of mortgages, to any ſubſiſting engagement voluntarily entered into before the above period. *Ben.* 1806 *R.* 17. § 6.

WATCHMEN AND OTHER GUARDS.

1. All Payiks, Chokeedars, Paſbans, Doſads, Negabans, Harees, and other deſcriptions of village watchmen, are declared ſubject to the orders of the Police Daroghas; A. D. 1793

who

A. D. 1793 who shall keep a register of them, and to whom the landholder shall report the names of all persons appointed to fill vacancies. *Beng.* 1793 *R.* 22. § 13. *Ben.* 1795 *R.* 17. § 13. *Ced. Prov.* 1803 *R.* 35. § 13.

2. They shall apprehend and send to the Darogha any person detected in the act of committing murder, robbery, house breaking or theft, or apprehended upon a hue and cry; and shall convey to the Darogha intelligence of all robbers, vagrants, or suspected persons; and shall be dismissed on requisition of the Magistrate, and otherwise punished according to law, for neglect herein. *Beng.* 1793 *R.* 22. § 14. *Ben.* 1795 *R.* 17. § 14. *Ced. Prov.* 1803 *R.* 35. § 14.

3. A Muhulladar and Muhulladarin shall be appointed for each ward of a city, under the orders of the Darogha, to whom they shall convey immediate information of any offenders within their ward. *Beng.* 1793 *R.* 22. § 30. *Ben.* 1795 *R.* 17. § 27.

A. D. 1795 4. The Bhutiyaries of the public Serays, and the Ghaut Manjhees, shall report daily to the Kotwal the arrival and departure of travellers; and the Doams shall not burn the bodies of Hindoos dying an unnatural death, until they shall have reported to the Magistrate and received his sanction. *Ben.* 1795 *R.* 17. § 27

5. The watchmen of the inhabited closes shall report daily to the Darogha all occurrences relating to the Police, and the Magistrate shall appoint others, if such watchmen be found inefficient, and shall see that the inhabitants pay their accustomed wages. *Ben.* 1795 *R.* 17. § 28.

A. D. 1799 Modified 1805 R. 8 § 14 C. 5 6. All guards of whatever description, convicted by the Magistrate of wilful neglect in the escape of convicts under their custody, shall be dismissed; and, if deemed guilty of connivance or further criminality, shall be committed for trial before the Court of Circuit. *Beng. Ben.* 1799 *R.* 2. § 6. *Ced. Prov.* 1803 *R.* 8. § 23.

7. No Barkundazes, or other armed men belonging to individuals, shall be permitted to pass beyond the Company's frontier in Silhet, excepting such as may be indispensably necessary for personal safety or security of property. *Beng.* 1799 *R.* 1. § 3. *C.* 3.

A. D. 1805 8. When a Magistrate deems a military guard, whether from a regular corps or a provincial battalion, to have been guilty of conniving at a prisoner's escape, he shall make them over to the military power to be tried by martial law. *Ced. Prov.* 1805 *R.* 8. § 14 *C.* 5. *Beng. Ben.* 1806 *R.* 11. § 10. *C.* 2.

9. And for any other offence involving a breach of military duty and properly cognizable by a Court Martial. *Ced. Prov.* 1805 *R.* 8. § 14. *C.* 6. *Beng. Ben.* 1806 *R.* 11. § 10. *C.* 3.

10.

10 Guards, watchmen &c. convicted of aiding and abetting in a robbery, or attempt to rob, or of procuring and causing it by counsel, hire or command, shall be liable to suffer death, if any person have been murdered or any aggravating act committed; and corporal punishment, imprisonment, and transportation for life, if no person have been murdered nor any aggravating act committed: any clear and direct connivance of a watchman or guard, will subject him to the same penalty as if he had aided or procured the perpetration of the offence. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 4.

11. Guards, watchmen &c. convicted of going forth with a gang of robbers, but apprehended before the commission of robbery or of violent attempt to rob, shall be liable to corporal punishment, imprisonment and hard labour, for a period not exceeding 14 years, in the discretion of the Court of Circuit; but the Nizamut Adaulut may extend it in particular cases to transportation for life. *Beng. Ben Ced. Prov.* 1805 *R.* 3. § 5.

12. Guards, watchmen &c convicted of clear and direct connivance at theft or larceny, shall be liable to suffer any punishment in the discretion of the Courts of Circuit and Nizamut Adaulut, not exceeding the limitations in Clause 7, Section 2, and Clause 3, Section 7, Regulation 53 of 1803. *Beng. Ben. Ced. Prov.* 1805 *R.* 3. § 6.

13. Where the landholders in Cuttack have been divested of the charge of Police, one Sirdar Payik, or more, shall be vested with the immediate maintenance of the peace, under the control of the Daroghas. *Beng.* 1805 *R.* 13. § 4. *C.* 3.

14. The lands, formerly assigned for the support of the Payiks, shall be continued to them; but they shall be subject to the authority of the Daroghas, and shall obey all legal orders of the Daroghas, under penalty of dispossession from the lands; previous report of the case being made by the Magistrate to the Nizamut Adaulut, to whom the Magistrate is also to report vacancy, by death or otherwise, of Sirdar Payiks: vacancies of the inferior Payiks are to be supplied by the Sirdar Payik, who is to be responsible for the conduct of the persons recommended by him. *Beng.* 1805 *R.* 13. § 5.

15. The Daroghas, under the instructions of the Magistrates, shall form a register of the Payiks. *Beng.* 1805 *R* 13. § 6.

16. And fix the limits of the local authority of the Sirdar Payiks and of the inferior officers of Police. *Beng.* 1805 *R.* 13. § 7.

17. The Collectors of Cuttack and Midnapoor are to form, and transmit to the Board of Revenue, a register of the lands assigned to the Payiks, specifying the quit-rent, if any, payable from them. *Beng.* 1805 *R.* 13. § 10.

A. D. 1805 18. The foregoing rules are not to include the Dofads or village watchmen entertained by the landholders for watching their crops, or other duties of that nature. *Beng.* 1805 *R.* 13. § 11.

19. The landholders in the Jungul Mehals shall keep such an establishment of watchmen as may be fixed by the Magistrate, with the approbation of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 3.

20. Furnishing a list of the persons employed, with a statement of their allowances in land or money, and reporting to the Magistrate all appointments on death or removal. *Beng.* 1805 *R.* 18 § 7. *C.* 4.

21. The Magistrate may punish such watchmen for neglect of duty, or other misconduct, by fine, imprisonment, removal from office or otherwise. *Beng.* 1805 *R.* 18. § 7. *C.* 5.

22. Where Police Daroghas are appointed, the watchmen shall be under the orders of the Darogha, and shall aid him in preserving the peace. *Beng.* 1805 *R.* 18. § 7. *C.* 6.

23. The Payiks, Digwars &c. of one Zemindar, are not subject to the orders of another; but when necessary, or called upon by the Magistrate, or an officer authorized by the Magistrate, they are jointly to use their endeavours to pursue and apprehend Choars and other disturbers of the peace. *Beng.* 1805 *R.* 18. § 7. *C* 13.

24. No Zemindar shall send his Payiks &c. within the limits of another, except on an application from him, or an express order from the Magistrate, or an officer authorized by the Magistrate: the Payiks are to use their utmost endeavours to apprehend Choars &c. assembled in their limits, or passing through for the purpose of plundering, or after the commission of depredations. *Beng.* 1805 *R.* 18. § 7. *C.* 14.

25. Any Payik &c. convicted of conniving at depredations, or of wilful neglect in the prevention of them, will be liable to fine and imprisonment, and in heinous cases to forfeiture of lands. *Beng.* 1805 *R.* 18. § 7. *C.* 15.

26. The Magistrate, when of opinion that such a charge is proved, shall record his judgment and the punishment deemed adequate, transmitting his proceedings to the Nizamut Adaulut for the sentence of that Court, and in cases of forfeiture for the ultimate determination of the Governor General in Council. *Beng.* 1805 *R.* 18. § 7. *C.* 16.

WEAVERS.

A. D. 1793 1. Weavers, not indebted nor under engagements to the Company, shall not be compelled to enter into or renew engagements to the Company. *Beng.* 1793 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 37. § 2. ext. *Ben.* 1805 *R.* 4. § 2.

2. Weavers, entering into engagements, are to execute a written engagement in two parts attested by two witnesses. *Beng.* 1793 *R.* 31. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 37. § 3. *C.* 2. ext. *Ben.* 1805 *R.* 4. § 2. A. D. 1793

3. Weavers, declining further advances, are to give a fortnight's notice. *Beng.* 1793 *R.* 31. § 3. *C.* 3. *Ced. Prov.* 1803 *R.* 37. § 3. *C.* 3. ext. *Ben.* 1806 *R.* 4. § 2.

4. Weavers under engagements shall not deliver the Company's cloth to other persons; and, failing in their engagements, shall not work for newer engagements till those with the Company are completed. *Beng.* 1793 *R.* 31. § 3. *C.* 4. *Ced. Prov.* 1803 *R.* 37. § 3. *C.* 4. ext. *Ben.* 1805 *R.* 4 § 2.

5. For which purpose, and to quicken their deliveries, the agents may place Peons on them. *Beng.* 1793 *R.* 31. § 3. *C.* 5. *Ced. Prov.* 1803 *R.* 37. § 3. *C.* 5. ext *Ben.* 1805 *R.* 4 § 2.

6. And they shall be liable to damages for prohibited sales, equal to the difference between the price received for, or the Bazar value of, such cloths, and the prime cost of the thread. *Beng.* 1793 *R.* 31. § 3. *C.* 6. *Ced. Prov.* 1803 *R.* 37. § 3. *C.* 6. ext. *Ben.* 1805 *R.* 4 § 2.

7. And to a penalty of thirty-five per cent on deficient deliveries, if possessing more than one loom and one or more workmen. *Beng.* 1793 *R.* 31. § 3. *C.* 7. *Ced. Prov.* 1803 *R.* 37. § 3. *C.* 7. ext. *Ben.* 1805 *R.* 4. § 2.

8. Such penalties are recoverable in a Court of Judicature. *Beng.* 1793 *R.* 31. § 3. *C.* 8. *Ced. Prov.* 1803 *R.* 37. § 3. *C.* 8. ext. *Ben.* 1805 *R.* 4. § 2.

9 Purchasers, making such prohibited purchases from the Company's weavers, except in public markets, are also liable to damages on suit, in addition to the cloths so obtained. *Beng.* 1793 *R.* 31. § 5. *Ced. Prov.* 1803 *R.* 37. § 5. ext. *Ben.* 1805 *R.* 4 § 2.

10. These rules are equally applicable to persons engaging for raw silk, or any other articles of the Company's investment. *Beng.* 1793 *R.* 31. § 14. *Ced. Prov.* 1803 *R.* 37. § 14 ext. *Ben.* 1805 *R.* 4. § 2.

11. Weavers who rent land, are to pay their rents like other Rayats. *Beng.* 1793 *R.* 31. § 8. *Ced. Prov.* 1803 *R.* 37. § 8. ext. *Ben.* 1805 *R.* 4. § 2.

12. But they are not to be summoned by the landholders &c. who must apply to the Agent; and the Agent may, if he think proper, satisfy the claim, stopping it out of the weaver's future advances, so as not to impede his labour; or the party may either distrain or sue in the Adaulut. *Beng.* 1793 *R.* 31. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 37. § 9. *C.* 2. ext. *Ben.* 1805 *R.* 4. § 2.

13. When the property of weavers is distrained for rent, the distrainer shall in three Modified 1799 R. 7 § 4

A. D. 1793 three days send notice to the Commercial Agent or nearest Arung, that the Agent may satisfy the demand or cause expedient steps to be taken. *Beng.* 1793 *R.* 17. § 31.

14. The cloth, thread and advances in their hands, belonging to the Company, shall not be distrained. *Beng.* 1793 *R.* 31. § 9. *C.* 2. *Ced. Prov.* 1803 *R.* 37. § 9. *C.* 2. ext. *Ben.* 1805 *R.* 4. § 2.

15. Nor the loom, thread, unwrought silk or materials of manufacture, nor goods or advances belonging to the Company. *Beng.* 1793 *R.* 17. § 3. *Ben.* 1795 *R.* 45. § 3. *Ced. Prov.* 1803 *R.* 28. § 3.

16. A list of the registered weavers is to be affixed, with weekly or monthly corrections, in the Pergunna Cucherry, and is to be sent quarterly to the Zilla Court. *Beng.* 1793 *R.* 31. § 4 *Ced Prov.* 1803 *R.* 37 § 4. ext. *Ben* 1805 *R.* 4. § 2.

17. Persons, suing weavers in a Civil Court, shall specify their being such; and the Court shall send the summons, with a copy of the plaint, in a sealed cover to the Agent, who shall order security to be given for the defendant, or leave him to find security, or cause him to appear before the Court, or deliver him to the Peon. *Beng.* 1793 *R.* 31. § 10. *C.* 1. *Ced Prov.* 1803 *R.* 10. § 1. ext. *Ben.* 1805 *R.* 4. § 2.

18. Returning on the summons the mode of its execution. *Beng.* 1793 *R.* 31. § 10. *C.* 5. *Ced. Prov.* 1803 *R.* 37 § 10. *C.* 5. ext. *Ben.* 1805 *R.* 4. § 2.

19. If the Peon should doubt the responsibility of the security tendered by the party himself, and the Agent shall vouch it, it shall be accepted. *Beng.* 1793 *R.* 31. § 10. *C.* 1. *Ced. Prov.* 1803 *R* 37. § 10. *C.* 1. ext. *Ben.* 1805 *R.* 4 § 2.

20. If from want of such specification, a summons be sent through a Peon, he shall, on discovering the defendant to be a weaver, carry the summons, and, if he doubt the information, the defendant also, to the nearest Commercial officer for security *Beng.* 1793 *R.* 31. § 10 *C.* 3. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 3. ext. *Ben.* 1805 *R.* 4. § 2.

21. Commercial Agents shall authorize their Assistants, head officers, and a Vakeel or some other person at each Court, to execute such security, and shall transmit a list of them to the Judge. *Beng.* 1793 *R.* 31. § 10. *C.* 2. *Ced. Prov.* 1803 *R.* 7. § 10. *C.* 2. ext. *Ben.* 1805 *R.* 4. § 2.

22. Similar rules are to be observed by the Magistrates, on complaints for a bailable offence. *Beng.* 1793 *R.* 31. § 10. *C.* 4. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 4. ext. *Ben.* 1805 *R.* 4. § 2.

23. And by Judges, where weavers are required as witnesses. *Beng* 1793 *R.* 31. § 10. *C.* 9. *Ced. Prov.* 1803 *R.* 37. § 10. *C* 9 ext. *Ben.* 1805 *R.* 4. § 2.

24.

24. But Magistrates, in case of an offence which is not bailable, may cause the party's apprehension by warrant; and the officer, apprehending him, shall give notice to the nearest Kotee. *Beng.* 1793 *R.* 31. § 10. *C.* 6. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 6. ext. *Ben.* 1805 *R.* 4. § 2. A. D. 1799

25. Judges and Magistrates may summon weavers &c. whether as parties or witnesses, in the usual manner, recording the reasons for this deviation, and endorsing the special order on the summons, and refraining from any unnecessary use of this power. *Beng.* 1793 *R.* 30 § 10. *C.* 10. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 10. ext. *Ben.* 1805 *R.* 4. § 2.

26 Police Darughas are to observe the rules of Clauses 4 and 6, in charges against weavers *Beng* 1793 . 31 § 10. *C.* 7. *Ced. Prov.* 1803 *R.* 37. § 10 *C.* 7. ext. *Ben.* 1805 *R* 4 § 2.

27 Commercial Agents shall be answerable for the condition of the security, if the party or security fail *Beng* 1793 *R.* 31 § 10. *C.* 8. *Ced. Prov.* 1803 *R.* 37. § 10. *C* 8 ext. *Ben* 1805 *R* 4. § 2.

28 And are liable to be sued in the Civil Courts, if they apply these rules to persons not bonâ fide in the commercial employment. *Beng.* 1793 *R.* 31. § 10. *C.* 10. *Ced. Prov.* 1803 *R.* 37 § 10 *C.* 10. ext. *Ben* 1805 *R.* 4 § 2.

29. Suits between private traders and weavers are to be proceeded in like other causes; but each engagement shall have preference according to its priority. *Beng.* 1793 *R.* 31. § 11. *Ced. Prov.* 1803 *R.* 37. § 11. ext. *Ben.* 1805 *R.* 4. § 2.

30. And in executing decrees in favour of private traders, the claim of the Company shall be saved, which claim the Agent shall be called upon to prove before execution issues against a registered weaver; when such claim shall have been satisfied, execution may be made on his property, but his person is not liable. *Beng.* 1793 *R.* 31. § 12. *Ced Prov* 1803 *R.* 37 § 12. *C.* 1. ext. *Ben.* 1805 *R.* 4. § 2. Modified 1801 R 9 § 9

31. Weavers in Benares have the option of carrying on their business with or without the intervention of Dalals, and may publickly dispose of their cloths in any Bazar at such price as they and the purchasers may voluntarily settle; and no person shall presume to fix the price of their goods. *Ben.* 1795 *R.* 22 § 85. A. D. 1795

32. The notice, required by Section 31, Regulation 17 of 1793, of distress for rent on the property of weavers, shall be given, as soon as possible after the attachment, either to the Agent or at the Arung to which the defaulter belongs; and the property shall not be sold until sufficient time have been allowed for the Company's officers to settle the demand. *Beng.* 1799 *R.* 7. § 4. A. D. 1799

A. D. 1801

33. The summary process, authorized by Section 15, Regulation 7 of 1799, for the recovery of rent, is not applicable to persons engaged in providing the Company's investment, until they have fulfilled their engagements and satisfied all demands of the Company; landholders &c. must proceed against them by distress, or under Sections 9 and 12, Regulation 31 of 1793. *Beng.* 1801 *R.* 9. § 2. & 3. *Ced. Prov.* 1803 *R.* 37. § 9. *C.* 3.

34. The persons of weavers in the Company's employ are not protected from arrest in execution for decrees in favour of private merchants, if all just demands of the Company have been satisfied, and no new advances have been taken from the Company. *Beng* 1801 *R.* 9 § 3. *Ced. Prov* 1803 *R.* 37. § 9. *C.* 8.

35. Warrants of Magistrates on the Company's weavers, for resistance to process, are to be served in the mode prescribed by Clause 4, Section 10, Regulation 31 of 1793. *Beng.* 1801 *R.* 9. § 4.

W I L L S.

A. D. 1793

1. Proprietors of land may bequeath by will, written or verbal, their landed estate to the eldest or other son or heir, or to any two or more sons or heirs, or to any person or persons, entire, in exclusion to all other sons or heirs or persons, or in such proportions, and to be held in such manner, as the testator may think proper: provided, that the bequest be not repugnant to any Regulation or to the law of the party, and be authenticated in such manner, and before such witnesses, as the law and Regulations may require. *Beng.* 1793 *R.* 11. § 6. *Ben.* 1795 *R.* 44. § 6.

2. Landholders may appoint by will guardians to their disqualified heirs; but such testamentary appointments shall not be deemed valid, till confirmed by the Court of Wards on report of the Collector. *Beng.* 1793 *R.* 10. § 21. *Ced. Prov.* 1803 *R.* 52. § 25.

3. The Collector is to report to the Board of Revenue all such testamentary appointments of guardians with an opinion whether there be any and what objection to the confirmation. *Beng.* 1793 *R.* 10. § 34. *Ced. Prov.* 1803 *R.* 52 § 38.

4. Wills may be registered in the office of the Register of the Zilla and City Courts. *Beng.* 1793 *R.* 36. § 3. *C.* 5. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 3. *C.* 5.

5. But the omission of registering them shall not prejudice the rights of the parties; whether executed previous to the operation of the Regulation. *Beng.* 1793 *R.* 36. § 4. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 4.

6.

6. Or subsequent thereto. *Beng.* 1793 *R.* 36. § 5. ext. *Ben.* 1795 *R.* 28. § 2. *Ced. Prov.* 1803 *R.* 17. § 5. A. D. 1793

7. If the heir of a testate native should not be liable to the Court of Ward's jurisdiction, the testamentary executors may take charge of the estate and execute their trust according to the will of the deceased, and the laws or usages of the country, without application to the Civil Court; who are prohibited from interfering, except on a regular complaint against the executors, in which they shall proceed as in other suits, taking the opinion of the law officer on the objections to the executors, and on the measures to be adopted if the executors be set aside. *Beng. Ben.* 1799 *R.* 5. § 2. *Ced. Prov.* 1803 *R.* 8. § 16. *C.* 2. A. D. 1799

WITNESSES.

I. *IN CIVIL MATTERS.*

1. Witnesses named by the parties in civil suits shall be summoned, except females of a rank or quality which would make it improper to compel their appearance in Court: if a witness so summoned shall refuse to attend, or to give evidence, or to sign his deposition, and it shall be proved on oath that he is material to the cause, he may be seized and brought before the Court and fined not more than 500 Rupees, and imprisoned till he give evidence and sign his deposition; the Courts may award to witnesses a reasonable sum for their expenses, and, after decision of the suit, may confine until payment the party at whose instance they were summoned. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7. A. D. 1793

2. The plaintiff is to defray the expenses of his witnesses previous to the decision of the suit. *Beng.* 1793 *R.* 4. § 18. ext. *Ben. R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3 § 19.

3. All sums, allowed as compensations to witnesses, are to be inserted in the decree. *Beng.* 1793 *R.* 7. § 9 ext. *Ben.* 1795 *R* 13 § 2. *Ced Prov.* 1803 *R.* 10. § 8. *C.* 6.

4. Witnesses are to be sworn by the oaths most binding on their consciences, according to their respective religions, but if they be of such a rank or cast as would make it improper to swear them, they shall sign a declaration to speak the truth: depositions of witnesses are to be reduced to writing in such of the native languages, as the witnesses may desire, and signed by the witnesses. *Beng.* 1793 *R.* 4. § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

5. Witnesses are to be examined vivâ voce in open Court, except females of the above described rank or quality, who shall be examined, either on oath or declaration according to their rank and cast, to interrogatories delivered by the parties, by a commission of three creditable females first sworn to the faithful discharge of the trust; and except

witnesses

D. 1793 witnesses residing out of the Court's jurisdiction, at a greater distance than fifty Cos, who shall be examined by the Judge in whose jurisdiction they reside, on written interrogatories from the parties at the requisition of the Court trying the cause; and the said Judge shall return the depositions so taken; unless the Court shall deem the personal attendance of such witnesses indispensable, in which case they shall be sent on requisition by the Judge, in whose jurisdiction they reside. *Beng.* 1793 *R.* 4 § 6. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1803 *R.* 3. § 7.

6. Witnesses, guilty of corrupt perjury in any matter before a Court, shall be committed for trial before the Court of Circuit. *Beng* 1793 *R* 4 § 14. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov* 1803 *R.* 3. § 8.

7. Witnesses in the Provincial Courts of Appeal may be examined either vivâ voce in open Court, or before their Register, in the Court's discretion; depositions are to be reduced to writing and signed by the deponents, and attested by the Register if taken before him; and he shall examine them in presence of the parties or Vakeels, or in their absence if they do not attend after due notice. *Beng.* 1793 *R.* 5. § 18. ext. *Ben. Ben* 1795 *R* 9 § 6. *Ced. Prov* 1803 *R.* 4. § 18

8. The same in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 16. ext. *Ben* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 16.

9. The Provincial Courts of Appeal may dispense with the oaths of witnesses, and grant commissions for the examination of female witnesses and of witnesses residing out of the Court's jurisdiction. *Beng.* 1793 *R.* 5. § 19. ext. *Ben.* 1795 *R.* 9. § 6. *Ced Prov.* 1803 *R.* 4. § 19.

10. The same in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 17. ext. *Ben* 1795 *R.* 10. § 2. *Ced Prov* 1803 *R* 5. § 17.

11 And compel the evidence of recusing witnesses, and commit perjured witnesses for trial before the Court of Circuit. *Beng.* 1793 *R.* 5 § 20. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4 § 20.

12. The same in the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 18. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5 § 18.

13. Witnesses, if belonging to the Salt or Commercial Department, are to be summoned through the Agent, and only when their attendance shall be necessary; and shall be examined and discharged with all practicable dispatch. *Beng.* 1793 *R.* 31. § 10. *C.* 9. *Ced. Prov.* 1803 *R.* 37 § 10. *C.* 9 ext. *Ben.* 1805 *R.* 4. § 2.

14. Also in the Salt Department. *Beng.* 1793 *R.* 29. § 20. *C.* 9.

15. But they may be summoned in the usual manner, if the Judge deem it indispensable

[illegible]ensable. *Beng.* 1793 *R.* 31. § 10. *C.* 10. *Ced. Prov.* 1803 *R.* 37. § 10. *C.* 10. ext. *Ben.* 1805 *R.* 4. § 2. Ad. D. [illegible]

16. Also in the Salt Department. *Beng.* 1793 *R.* 29. § 20. *C.* 10.

17. Witnesses, sworn before the Regulating Officer of the invalid T'hanas, if deemed by him to have perjured themselves, may be prosecuted under his order by the Vakeel of Government before the Zilla Magistrate for perjury. *Beng.* 1793 *R.* 43. § 14. Rescinded 1804 R. [illegible]

18. The Regulating Officer of the invalid T'hanas may cause the attendance of witnesses residing within the T'hanas on suits cognizable by him. *Beng.* 1793 *R.* 43. § 12. *C.* 4. ditto

19. He may swear such witnesses, and order the Vakeel of Government to prosecute before the Magistrate any witness guilty of perjury. *Beng.* 1793 *R.* 43. § 14. ditto

20. But, if he require the evidence of persons residing out of a T'hana, he must transmit to the Vakeel of Government written interrogatories for such persons; and the Vakeel will apply to the Zilla Court for the witnesses to be summoned and examined. *Beng.* 1793 *R* 43. § 12 *C.* 4. ditto

21. If witnesses, required in a suit before a native Commissioner, shall not attend, the Court, on application from the Commissioner or either party, shall cause them to attend. *Beng.* 1793 *R.* 40. § 9. *C* 10. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 10.

22. Witnesses, guilty of disrespect to a Commissioner, or refusing to give evidence, may be fined. *Beng.* 1793 *R.* 40. § 9. *C.* 13. ext. *Ben.* 1795 *R.* 31. § 2 *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 13.

23. Witnesses, in suits referred to arbitration, are to be summoned and sworn by the Court; not attending, or refusing to give evidence, or to sign their depositions, are liable to the same penalties by order of the arbitrators, and sanction of the Court; as for similar defaults in suits before the Court. *Beng.* 1793 *R.* 16. § 6. ext. *Ben.* 1795 *R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21. § 6.

24. Native Commissioners of lawsuits are prohibited confining or punishing witnesses, except imposing a fine for refusing to give evidence. *Beng.* 1793 *R.* 40. § 13. ext. *Ben.* 179[illegible] *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 11.

25. Commissioners, who are Munsifs, may themselves summon witnesses; and, in case of non attendance, attach personal property not exceeding the value of the suit till they attend. *Beng.* 1793 *R.* 40. § 9. *C.* 10. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 7. *C.* 1[illegible] Modified 1803 R. 49 § 1 C. 2

A. D. 1795

26. Except they be females of rank. *Beng.* 1793 *R.* 40. § 11. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 9. *C.* 5.

27. No award of arbitrators shall be set aside by a Zilla or City Court, without proof of corruption or partiality upon the oaths of two credible wit[illegible] *Beng.* 1793 *R.* 16. § 9. ext. *Ben. R.* 15. § 2. *Ced. Prov.* 1803 *R.* 21 § 9.

Rescinded 1804 R. 1 § 2

28. Nor by the Regulating Officer of the invalid Thanas. *Beng.* 1793 *R.* 43. § 12. *C.* 7.

29. Nor a decision of a native Commissioner in his capacity of arbitrator. *Beng.* 1793 *R.* 40. § 10. *C.* 3. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 8. *C.* 3.

30. Nor a decision founded on an award of arbitration, when appealed to a Provincial Court of Appeal. *Beng.* 1793 *R.* 5. § 28. ext. *Ben.* 1795 *R.* 9. § 6. *Ced. Prov.* 1803 *R.* 4. § 28.

31. Or appealed to the Sudder Dewannee Adaulut. *Beng.* 1793 *R.* 6. § 22. ext. *Ben.* 1795 *R.* 10. § 2. *Ced. Prov.* 1803 *R.* 5. § 22.

32. On application from the Court of Wards or Collectors, the Zilla Courts shall cause attendance of persons required in suits cognizable by the Court of Wards. *Beng.* 1793 *R.* 10. § 32. *C.* 2. *Ced. Prov.* 1803 *R.* 52. § 36. *C.* 2.

33. No bond shall be decreed except on proof of execution before two credible witnesses. *Beng.* 1793 *R.* 3. § 15. ext. *Ben.* 1795 *R.* 8. § 2. *Ced. Prov.* 1805 *R.* 8. § 6. *C.* 3.

34. Not less than three credible witnesses shall be exa[illegible]d regarding the disputed minority of landholders. *Beng.* 1793 *R.* 10. § 5. *C* 2 *Ced. Prov.* 1803 *R.* 52. § 9 *C.* 2.

35. And regarding the sanity of supposed lunatics &c. *Beng.* 1793 *R.* 10. § 5. *C.* 3. *Ced. Prov.* 1803 *R.* 52. § 9. *C.* 3.

36. An application from all the proprietors of a joint estate for a division, must be attested by four credible witnesses. *Beng.* 1793 *R.* 25. § 3. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 31.

37. And an application from one or more of the proprietors. *Beng.* 1793 *R.* 25. § 4. *C.* 1. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 32. *C.* 1.

38. And the admission of the right of such proprietor or proprietors. *Beng.* 1793 *R.* 25. § 5 ext. *Ben.* 1795 *R.* 26. § 2 *Ced. Prov.* 1803 *R.* 26. § 33.

39. And all agreements of the sharers to form the division by arbitration. *Beng.* 1793 *R.* 25. § 22. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 52.

40. An application for the union of two or more [illegible]es is to be attested by two wit-

[illegible]ner, [illegible]nesses.

[illegible]ſſes. *Beng.* 1793 *R.* 25. § 6. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 R. 26. § 34. A. D. [illegible]

41. Alſo an agreement of the ſharers in a joint eſtate after its diviſion, ſpecifying the ſhares which [illegible] may have agreed to take. *Beng.* 1793 *R.* 25 § 24. ext. *Ben.* 1795 *R.* 26. § 2. [illegible] *rov.* 1803 *R.* 26. § 54.

42. [illegible] a denial of the right of one or more ſharers who apply for a diviſion. *Beng.* 1793 *R.* 25. § 5. ext. *Ben.* 1795 *R.* 26. § 2. *Ced. Prov.* 1803 *R.* 26. § 33.

43. A Vakalutnama in a Civil Court is to be atteſted by two credible witneſſes. *Beng.* 1793 *R.* 7. § 8. ext. *Ben.* 1795 *R.* 13. § 2. *Ced. Prov.* 1803 *R.* 10. § 7.

44. And before a native Commiſſioner. *Beng.* 1793 *R.* 40. § 9. *C.* 5. ext. *Ben.* 1795 *R.* 31. § 2.

45. And an authority, from the client, for his pleader committing the cauſe to another pleader in caſe of his own temporary abſence. *Beng.* 1793 *R.* 7. § 20. ext. *Ben.* 1795 *R.* 13. § 2 *Ced. Prov.* 1803 *R.* 10. § 19.

46 And arbitration bonds for a cauſe ſubmitted to a native Commiſſioner. *Beng.* 1793 *R.* 40 § 10. *C.* 2. ext. *Ben.* 1795 *R.* 31. § 2. *Ced. Prov.* 1803 *R.* 16. § 8. *C.* 2.

47. All engagements for the Company's inveſtment with weavers are to be atteſted by not leſs than two credible witneſſes *Beng.* 1793 *R* 31. § 3. *C.* 2. *Ced. Prov.* 1803 *R.* 37. § 3. *C.* 2. ext. *Ben.* 1805 *R.* 4. § 2.

48. Tenants to prevent a diſtreſs, muſt tender the rent due before two credible witneſſes. *Beng.* [illegible] 27. § 7. *Ben.* 1795 *R.* 45. § 7. *Ced. Prov.* 1803 *R.* 28. § 7.

49. Or to procure the releaſe of a diſtreſs made. *Beng.* 1793 *R.* 17. § 11. *Ben.* 1795 *R.* 45. § 9. *Ced. Prov.* 1803 *R.* 28. § 10.

50. A fee of 4 Annas on ſuits of 200 Rupees, 8 Annas in ſuits not appealable, one Rupee on ſuits appealable to the Sudder Dewannee Adaulut, is to be paid for every witneſs ſummoned in a civil ſuit. *Beng* 1795 *R.* 38. § 4. *C.* 1. ext. *Ben.* 1795 *R.* 60. § 2. A. D. 1795 Re-enacted 1797 R. 6 § 5

51. And the fee ſhall be levied with the other coſts, after the deciſion of the ſuit. *Beng.* 1795 *R.* 38. § 4. *C.* 2. ext. *Ben.* 1795 *R.* 60. § 2. ditto

52. Except from paupers. *Beng.* 1795 *R.* 38. § 8 ext. *Ben.* 1795 *R.* 60. § 2. ditto § 8

53. And the ſame fee, except from paupers, ſhall be levied in ſuits now pending. *Beng.* 1795 *R.* 38. § 11. ext. *Ben.* 1795 *R.* 60. § 2.

54. A fee [illegible] 8 Annas to two Rupees, according to the value of the ſuit (as above), is to be paid for every witneſs ſummoned in a civil ſuit. *Beng. Ben.* 1797 *R.* 6. § 5. *C.* 1. *Ced. Prov.* 1[illegible] 43. § 5. *C.* 1. A. D. 1797

55.

A. D. 1797 55. Except the suits of paupers. *Beng. Ben.* 1797 *R.* 6. § 9. *Ced. Prov.* [illegible] *R.* 43. § 9.

56. And the witnesses shall not be summoned until the fee be [illegible] *Beng. Ben.* 1797 *R.* 6. § 5. *C.* 2. *Ced. Prov.* 1803 *R.* 43. § 5. *C.* 2.

A. D. 1798 57. Summonses on officers of salt Chokees to appear as witnesses, [illegible] be sent in a sealed cover to the Board of Trade, Salt Agent, or Ameen: the Judges are [illegible] to summon them, unless their attendance be indispensable; and shall examin[illegible] dismiss them with all practicable dispatch, after their appearance. *Beng.* 1798 *R.* 4. § [illegible]

58. But if deemed necessary, they may be sued [illegible] in the usual mode. *Beng.* 1798 *R.* 4. § 8.

A. D. 1799 59. When tenants summon improperly the Zemindaree officers as witnesses, they shall be compelled, under Section 6, Regulation 4 of 1793, to make them an allowance sufficient for their full indemnification; and may be further sued by the Zemindar for any loss or damage, in consequence of such wanton and unnecessary summons. *Beng.* 1799 *R.* 7. § 12. *Ben.* 1800 *R.* 5. § 12. *Ced. Prov.* 1803 *R.* 28. § 38.

A. D. 1801 60. Witnesses in civil suits are not liable to any prosecution for perjury on the charge of either of the parties in the suit, nor unless committed for trial by the Judge under Section 14, Regulation 4 of 1793. *Beng. Ben.* 1801 *R.* 3. § 2.

A. D. 1803 61. The Courts are not to dispense with the oath of any wi[illegible] whose rank or cast is not really such as would make it improper to com[illegible] d reg[illegible] ear. *Beng. Ben.* 1803 *R.* 50 § 6 *Ced. Prov* 1803 *R.* 8. § 25. *C.* 7.

62. But refractory witnesses shall only be imprisoned at first, and shall not [illegible] fined, unless, on being brought a second time before the Court after an interval of not less than a day, they persist in their refusal to give evidence: and the imprisonment shall continue until payment of the fine, or for a fixed period, under Section 3, Regulation 14 of 1797, or until they consent to give evidence, if the cause be still depending. *Beng. Ben.* 1803 *R.* 50. § 2. *C.* 2. *Ced. Prov.* 1803 *R.* 8. § 26. *C.* 2.

63. Zilla and City Judges may employ the Register or Assistants, or any principal native officer, to take down the depositions of witnesses in the presence of the parties or their Vakeels, who shall attest the depositions so taken: if any [illegible] arise in the course of taking the evidence, the Judge shall inquire into an[illegible] on it as soon as practicable. *Beng. Ben.* 1803 *R.* 49. § 21. *C.* 1. *Ced. Prov.* 1805 [illegible] § 17. *C.* 3.

64. Judges may authorize their Registers similarly, to employ the Assistants or principal native officers in suits before the Registers; [illegible] power not to be exercised by a Register,